Also, a bill (H. R. 18836) to correct the military record of John Daly; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 18837) granting an increase of pension to Charles H. B. Shepherd; to the Committee on Invalid Pensions.

By Mr SHACKLEFORD: A bill (H. R. 18838) granting an increase of pension to Henry Gouge; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of sundry citizens of several towns in South Carolina, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petition of sundry citizens of South Fork, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of H. Berner, of Union Hill, N. J., against tax on "soft drinks"; to the Committee on Ways and Means.

By Mr. FINLEY: Petition of John J. McEachern, president, and Farmers' Union, Local No. 539, of Longtown, S. C., favoring Federal warehouses for cotton; to the Committee on Agriculture.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Buckingham County, Va., favoring Milliken personal rural credits bill; to the Committee on Banking and Currency.

By Mr. GREENE of Vermont: Petition of F. W. Barrett and members of the Sunday school of the Methodist Episcopal Church of Poultney, Vt., favoring the adoption of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HOWELL: Petition of the Chamber of Commerce of Salt Lake City, Utah, favoring exemption of the assessment work on mining claims for 1914; to the Committee on Mines and Mining.

By Mr. LEE of Pennsylvania: Petition of the Philadelphia Maritime Exchange, against House bill 18666, providing for Government ownership of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. LIEB: Petition of J. C. Mendenhall, of Evansville, Ind., protesting against a revenue tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of C. D. Ross, of Evansville, Ind., in support of proposed amendment to section 85 of House bill 15902; to the Committee on Printing.

Also petitions of Rev. W. B. Farmer, Rob Ruston, George Lant, jr., W. M. Wheeler, W. J. Nance, C. W. Habbe, Jacob Gallman, P. E. Tichenor, F. M. Martyn, N. A. Talbott, C. A. McGrew, G. W. Sansom, J. L. Iglehart, W. B. Miller, J. W. Johnson, Samuel Hardin, J. C. Hutchinson, J. G. Ruston, Richard Pengilly, H. A. Mann, William H. Lant, Thomas E. Reed, D. C. Williams, E. S. Prine, O. P. Ruston, L. T. Stricklin, E. A. Lowe, W. S. Rothschild, W. H. Axton, and George Ingle, members of the Trinity Methodist Church, of Evansville, Ind., in favor of national prohibition; to the Committee on Rules.

Also, petitions of Dr. F. C. Hawkins, Irene J. Erlbacher, and others, of Evansville, and Luella C. Embree, Mary C. Vandeveer, and others, of Princeton, all in the State of Indiana, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. MORIN (by request): Petition of the Individual Drinking Cup Co., of New York City, relative to section 2 of House bill 15657, "An act to supplement existing laws against unlawful restraints and monopolies"; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Resolutions of Golden West Tent, No. 58, Knights of the Maccabees, of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139) providing pensions for superannuated Federal civil-service employees; to the Committee on Reform in the Civil Service.

Also, protest of the Coffin-Redington Co., wholesale druggists, of San Francisco, Cal., against any special tax being placed on proprietary medicines; to the Committee on Ways and Means.

By Mr. RAKER: Petition of the Board of Trade of San Francisco, Cal., opposing proposed bills prohibiting use of the mails for transacting business within States prohibiting insurance; to the Committee on the Post Office and Post Roads.

Also, petition of the Golden West Tent, No. 58, Knights of the Maccabees, favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the executive committee of the Association of Pacific Fisheries, relative to planting of fish in Pacific waters; to the Committee on the Merchant Marine and Fisheries.

# SENATE.

THURSDAY, *September 17, 1914.*

*(Legislative day of Wednesday, September 16, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. ROBINSON). The Senate resumes consideration of House bill 13811, the river and harbor bill.

### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President——

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Nelson | Smith, S. C. |
| Bankhead | James | Overman | Smoot |
| Brady | Johnson | Page | Sterling |
| Brandegee | Jones | Perkins | Thomas |
| Bryan | Kenyon | Poindexter | Thornton |
| Burton | Kern | Ransdell | Townsend |
| Camden | Lea, Tenn. | Reed | Vardaman |
| Chamberlain | Lee, Md. | Robinson | Walsh |
| Chilton | McCumber | Sheppard | Weeks |
| Clapp | Martin, Va. | Simmons | White |
| Culberson | Martine, N. J. | Smith, Ga. | |

Mr. PAGE. I desire to announce the unavoidable absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. I make the announcement for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

I wish also to state that the junior Senator from West Virginia [Mr. GOFF] is necessarily absent and that he is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. CLAPP. I wish to state that the Senator from Kansas [Mr. BRISTOW] is necessarily absent on account of sickness.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum of the Senate present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. STONE and Mr. WILLIAMS answered to their names when called.

Mr. THOMPSON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present. Under the order of the Senate, the Sergeant at Arms will be directed to request the attendance of absent Senators.

Mr. SHIELDS, Mr. SHAFROTH, and Mr. FLETCHER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. RANSDELL. I ask the Senator from Iowa if he will yield to me just a moment. I wish to have a telegram from the New Orleans Association of Commerce read from the desk. It is in regard to a ship which is going from that city bearing the United States flag, the first one that has gone to Panama from a Gulf port. It is very brief, and I ask to have it read.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to have a telegram read. Is there objection?

Mr. SMOOT. There is no morning hour, and if there is no particular reason why it should be read this morning I would prefer to have it go over.

Mr. RANSDELL. I will ask the Senator from Utah not to object. It is the first ship that has gone from a southern port to the Panama Canal carrying the United States flag.

Mr. KENYON. I do not yield to the Senator from Utah to object in this matter. I think the telegram ought to go in the RECORD.

Mr. SMOOT. Of course, if the Senator——

The PRESIDING OFFICER. Is there objection?

Mr. KENYON. I make the point of order that the Senator from Utah has not been recognized by the Chair, and I have the floor and do not yield.

The PRESIDING OFFICER. The Chair stated the request for unanimous consent, and any Senator may object, of course.

Mr. SMOOT. That is what I was going to say, and also I thought I could call the attention of the Chair to the rule that this is clearly out of order.

The PRESIDING OFFICER. The Chair thinks that the request is out of order. Is there objection?

Mr. SMOOT. I wish to say in this connection if the Senator from Louisiana still thinks it is absolutely necessary that the telegram should be read at this particular minute, I am not going to object to its reading now, although it is a violation of the rule.

Mr. STONE. Mr. President, I desire to say that we have lost a great deal of time in roll calls. I think it could be contended that the reading of the telegram was business, and it would authorize another roll call. I object to its reading.

The PRESIDING OFFICER. The Senator from Missouri objects. The Senator from Iowa will proceed.

Mr. KENYON. If it is of such sentimental importance, at least, I will read it as a part of my remarks, if the Senator from Louisiana does not object.

Mr. RANSDELL. I would be very glad if the Senator would read it.

Mr. KENYON (reading):

[Telegram.]

NEW ORLEANS, LA., *September 16, 1914.*

Hon. J. E. RANSDELL,
*United States Senate, Washington, D. C.:*

We have to-day sent a telegram to the President of the United States, and request its insertion in the CONGRESSIONAL RECORD, as follows:

"We have the honor to notify you that the American flag was to-day raised at New Orleans over the first ship sailing out of a southern port of the United States, being the steamship *Cartago*, of the United Fruit Co., operating between New Orleans and the Panama Canal. We desire to felicitate the American people upon the action of yourself and Congress in so liberalizing American navigation laws that we have to-day a manifestation of a practical revival of the American merchant marine."

I am sorry the Senator from New Hampshire [Mr. GALLINGER] is out of the Chamber.

"New Orleans, a port which has consistently fought for this accomplishment, realizes her responsibility as the nearest great American seaport to the Panama Canal, serving as the ocean gateway for the great industrial exporting region of the Mississippi, Ohio, and Missouri Valleys, and Central West. With her extensive municipally owned wharf and belt railroad system and strategic position at the juncture of the Mississippi River and the Gulf of Mexico, New Orleans is in position to act as the warehouse of the Western Hemisphere and afford those port facilities needed to place the middle section of the United States in command of the suddenly developed South American trade opportunities made possible by the European war situation. A definite conjunction between New Orleans and the Middle West is now being effected with this end in view, adding to the prestige of American commerce abroad and to the glory of the American flag on the high seas."

NEW ORLEANS ASSOCIATION OF COMMERCE,
M. B. TREZEVANT, *General Manager.*

Mr. RANSDELL. On behalf of the New Orleans Association of Commerce, the city of New Orleans, and the State of Louisiana, I thank the Senator from Iowa for reading the telegram.

Mr. KENYON. I am sorry that anyone should object to reading it.

Mr. JONES. I am very much gratified to hear of some ship bearing the American flag, but I would be more gratified if the Senator could tell me that it is an American-built ship. I should like to know whether it is an American-built ship or a foreign-built ship.

Mr. KENYON. Possibly the Senator from Louisiana can inform the Senator.

Mr. RANSDELL. I am sorry to say that I do not know absolutely, but I have understood that the ships of the United Fruit Co. were built abroad, and the *Cartago* is one of the ships of that company.

Mr. JONES. That takes away very much of my gratification.

Mr. KENYON. Anyway, let us be glad that it carried the American flag. The Senator from Washington, I assume, does not object to that.

Mr. JONES. No; under the circumstances I am glad to have it carry the American flag; but I should like to see ships built in America which carry that flag.

Mr. KENYON. Mr. President, I wish to resume at the point, approximately, where I left off last evening. There are a great many matters I am anxious to get in the RECORD, not that I think Congress will pay any attention to them, but that I hope at some time the people may. But at the same time I do not want to consume the entire day in what I have to say, because there are others who are desirous of speaking on this bill who are becoming a little restless at the time I am taking, and I do not want to deprive them in any way of the opportunity to be heard. So I shall in the course of two or three hours complete what I have to say on the branch of the case up to the study of the projects and then I shall surrender the floor to other gentlemen who desire to speak, perhaps more extendedly than I am doing.

We were discussing yesterday, in a mild and amiable way, the reasons for the growth of river and harbor bills and some of the influences which have been at work for river and harbor bills in the past, which influences seem to have been potent in producing large appropriations.

There is always the question of the local interest and the tendency to judge a Representative or a Senator by what he may be able to get out of the Public Treasury. I saw the program a short time ago of a banquet which had been given to a Member of Congress in which were set forth the different appropriations that he had secured for his district, one of them being a few thousand dollars for a fish hatchery. That was cited at the banquet as one of the great accomplishments of this Member of Congress. Public-building bills, of which we have had none this session—and if we had, it would have greatly increased the deficit—are framed along the same lines. Some day I believe it will be true that the people will not banquet Representatives or Senators who secure appropriations where they are not needed, and the public conscience will be such that instead of commendation for these things there will be condemnation.

Another consideration entering into the trouble is that many of these appropriations in the past have been made for reclamation, not for navigation, many appropriations being made for the saving of lands from erosion, and possibly that is a proper governmental work; but where that is done we should be very candid about it and not try to bring it in under the guise of assisting navigation.

Another influence making for such appropriations is the concern of contractors and dredgers to take advantage of the opportunity for profitable contract work. That may not be apparent at all times, but I expect to read before I am through some extracts with relation to the unfortunate condition that has arisen among the contractors and the dredgers by virtue of the abolition of their annual banquet which they tendered to influential people.

Then, there is the real question that is at the basis of proper appropriations for rivers and harbors, and that is the desire to benefit water transportation. There is another influence that makes it difficult to secure any calm consideration of a river and harbor bill or of a public-building bill, and that is the influence of friendship and courtesy in the Senate and in the other House. It is related that one year when the House was considering a river and harbor bill and striking out certain items one Member rushed wildly in and said, "Hold on; that is my river you are striking out." Here in the Senate a short time ago—I do not know that the item remained in the bill—we saw a large sum voted for a monument, it seemed to me, solely because of the great affection that every Senator in the Senate felt for a certain Senator.

Of course those are human considerations, and we can not help their influence. It is always embarrassing to vote against any project which some Senator claims is his particular project and which he believes has very great merit attached to it. I have mentioned those things as some of the influences at work, unconsciously possibly, but which nevertheless have made it not only possible, but usual for bills of a character such as the one now before us to be constructed and their passage urged.

I referred last night to some remarks of Gov. Glynn with reference to the tremendous cost to the Government in certain canals of transporting produce. Indeed it has been shown by the Senator from Ohio [Mr. BURTON] in the early part of his remarks, which probably by this time have been forgotten, as they were delivered some months ago, that it cost more for the Government to operate certain canals in this country and to send the produce through those canals than the produce was worth. That is justified, I assume, on the theory, if at all, that they are regulators of railroad rates, but somewhere and at some time the appropriations in enormous sums merely for the purpose of regulating railroad rates have got to reach some limit if that economic theory is in any event sound.

Gentlemen in the House of Representatives of both parties have called attention to this matter and have urged that there

be some restraint. I want to place in the RECORD one or two observations of that character. The Republican leader of the House [Mr. MANN], in a speech there, said——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I do.

Mr. REED. I desire to make an inquiry of the Senator, but I want to make a short preliminary statement, so that he may understand me. The Federal Reserve Board, in organizing the new banking system, finds that there are certain little things that they desire to have done altogether of an administrative nature. There was a bill introduced some time ago by the chairman of the committee embracing some rather radical changes in the law, but after further consultation with the Federal Reserve Board and the committee on yesterday it was agreed to ask for but two short amendments, which are both administrative and, I think, can be passed without debate; that is, without any longer debate than the mere debate necessary to understand the proposition. As the board is engaged now in creating this system—these amendments partake something of an emergency character—I want to ask the Senator from Iowa if he will be willing to yield in order that I may make a request for unanimous consent at this time, with the consent of the chairman of the committee having the river and harbor bill in charge, to lay aside that bill temporarily and to take up the bill to which I refer? I am speaking with the understanding that if a debate upon the bill is projected I shall not ask for its further consideration.

Mr. KENYON. Mr. President, I will be very glad to do that, if the Senator from North Carolina is willing, provided I do not lose my right to the floor. We have had a legislative day which has been running quite long, and I do not know whether or not I have made one speech yet. I think the limit is two.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. I will say to the Senator from Missouri that I notice in the RECORD this morning that on yesterday he reported the bill to which he has just referred. I was opposed to the bill originally reported some time ago, and intended to do everything I could to amend it. I ask the Senator not to request unanimous consent for its consideration at this time, because I have not yet had time to examine the bill which he reported yesterday from the committee; but I will do so to-day, and then, perhaps, after an examination, I may have no objection to it at all.

Mr. REED. I will say, then, that we will endeavor to-morrow morning to gain consent for the consideration of this bill. I think there will be a morning hour to-morrow.

Mr. SIMMONS. Mr. President, I think it is understood that there will be a morning hour to-morrow.

Mr. REED. If the Senator from Iowa will permit the interruption, I will call the attention of the few Senators who are present to this bill. It is very short and very simple, and, as I have said, the changes proposed in the law are purely administrative. The first amendment provides that—

> The Federal Reserve Board shall have power to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults.

Of course, this money in the vaults of the Federal reserve banks is just as safe to depositors and just as safe to the Government as it is in the vaults of the individual banks, and it will be a matter of great convenience to many bankers to be able to keep their reserves in the Federal reserve banks. Furthermore, it will have the effect to that much greater extent of concentrating the reserves, and will, in a measure, bring about the condition at once which the Federal reserve law contemplates will be brought about at the end of three years, when all of the reserves and all of the capital has been paid in. It seems to me that it is a matter to which no one could object.

The other provision simply relates to the matter of facilitating the method of redemption of national-bank notes. At the present time such notes have to be sent by each bank to the Federal Treasury to be there redeemed. At the same time the bank sending in the notes of another bank for redemption may have its own obligations out in the hands of the other bank, and the bank may be sending in those notes for redemption. Purely as a matter of simplifying that, the Federal Reserve Board have asked that this clause be adopted:

> The Secretary of the Treasury is hereby authorized to devise and put into operation a system of clearances of national-bank notes between the Treasury, the Federal reserve banks, and the member banks, and for that purpose to designate Federal reserve banks as agents of the United States.

The object being that if a bank, to use an illustration, has a million dollars of the bank notes of other banks which it desires to have redeemed, and certain of these other banks have its notes and the notes of other banks, they could send them to the reserve bank, and there the notes of one could be offset against the notes of the other, and simply the balance, whatever it is, adjusted; thus, to some extent at least, putting a stop to the endless chain of redemption and issue and saving a great amount of work.

Those are two little matters; and yet they are important, and I trust Senators will think about them, and that we may get this little bill through to-morrow morning.

Mr. KENYON. Mr. President, my remarks seem to be interrupted a great deal, and I trust I may proceed now without undue interruption. I was about to refer to some language of the Republican leader of the House, found in the RECORD of March 20, where he is quoted as saying:

> The biennial river and harbor appropriation bills a few years ago were considered very large if they got up to thirty or forty millions of dollars, even when they carried items for the city of Chicago. Now they are considered very small when they carry an amount of over $40,000,000 a year in the House, which will mean $50,000,000 or more in the law, without Chicago items in it.

The chairman of the River and Harbor Committee of the House, on March 17, calling something of a halt to these extravagant appropriations, spoke as follows:

> But what of the cost? That is another pertinent question. Of course it is difficult, Mr. Chairman, for us to determine now or for anyone to say just what the future cost will be, and yet I believe that unless we are to embark upon some wild scheme of waterway improvement not connected—or, if connected at all, very remotely—with legitimate river and harbor work—I say unless we are to embark upon some such wild scheme I believe it is possible to approximate within reasonable bounds the cost of river and harbor improvement in this country within the next 25 years. Of course, if we enter upon other works having no direct or necessary relation to navigation, there is no telling where we will land. Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and the carrying out of which, it is said by competent engineers, would cost billions of dollars. But assuming we are to pursue a safe and sane policy such as we have been pursuing for the past several decades, then I believe it is easy, or at least it is not very difficult, to approximate within reasonable bounds as to what the Government will be called upon to expend in the near future, by which I mean in the next quarter of a century.

I think I will also read what follows, because it is very interesting:

> We have on the books to-day, including those taken on in this bill, about $:00,000,000 of projects. One hundred and fifty million dollars in round figures, or half of it, being for four rivers—the Mississippi, the Ohio, the Missouri, and the East River in New York, the last named, however, only requiring about $13,000,000 to complete. The work on these four streams, if the plans laid down by the engineers are followed, is to extend over a period ranging from 8 to 25 years; perhaps a little beyond that. The other $150,000,000 will likely be required during the next 8 years; that is, if the plans of the engineers are carried out. Of course there will be other projects. There were before our committee about $50,000,000 of projects submitted within the past two years besides the $38,000,000 we have adopted in this bill. I do not know that all of those will meet with favorable consideration in the future; the chances are they will not; but if they should all be adopted, the amount, including those adopted and those recommended in this bill, will reach $350,000,000.

Anyone must appreciate the very difficult position that the chairman of the River and Harbor Committee has in the House, or the chairman of the Committee on Commerce in the Senate, in trying to hold down these appropriations; but I believe every thinking man has become convinced that there must be some new method of river and harbor work. I understand that an amendment has been offered here by the Senator from Nevada [Mr. NEWLANDS], which he has urged for many years, and which, if adopted on this bill, will be of great benefit in working out some new and better plan.

I think there has been no reflection in this discussion, further than possibly the statement of facts, which might of themselves be considered a reflection, upon the Army engineers. They are undoubtedly men of great ability and splendid character; but I do think there is just criticism in the plan of Members of Congress going before this Board of Army Engineers, when they have made their reports, and arguing a case to them as a lawyer would argue a case to a jury. They have a certain pride, naturally, a commendable one, in their work, in great structures that are triumphs of engineering skill and that will be monuments to them in the future. It is not such a difficult proposition to erect a splendid monument of that character when somebody else is paying for it; and they do not, I believe, look closely enough into the question whether these splendid mechanical engineering projects are justifiable from the standpoint of those who must pay for them.

In this connection I wish to refer to what has been termed the dribbling policy of river and harbor improvements. I will say that as to a discussion now of these different propositions

I am very much inclined to accept the suggestion of the chairman of the committee that time would be saved by discussing those matters when they are reached. I have here some 30 propositions that I had intended to discuss. I felt in good faith that I could cover this whole subject in five hours. I am not a long-distance talker, and if not interrupted I might have done so; but I have been so constantly interrupted, and the interruptions have suggested other things to such an extent that for me now to complete an analysis of those propositions and to carry out the different lines of thought that have been suggested by the interruptions would take too much time. So I am going to leave those projects for discussion at the time they are reached for a vote, and in the remaining time I only want to cover a few matters that I had planned to cover leading up to that.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. KENYON. I do.

Mr. SMITH of Michigan. I think yesterday, by an accident, the Senator from Iowa connected the Wabash River with Grand Rapids, Mich.

Mr. KENYON. I think the Senator is mistaken about the person who made that connection. It was not the Senator from Iowa.

Mr. SMITH of Michigan. The Senator from Iowa did not connect Grand Rapids with the Wabash River; I admit that.

Mr. KENYON. There would not be enough water.

Mr. SMITH of Michigan. That would be an impossibility, inasmuch as they are about 200 miles apart.

Mr. KENYON. Is there an appropriation here for that connection?

Mr. SMITH of Michigan. The Senator from Iowa, quoting from the governor of North Carolina——

Mr. KENYON. No; New York. The Senator has confused with this matter what the governor of North Carolina is reported to have said to the governor of South Carolina. [Laughter.]

Mr. SMITH of Michigan. The governors of North Carolina and New York would harmonize much more easily than the Wabash and Grand Rapids, Mich.

Mr. KENYON. It would not be harmony over water, possibly.

Mr. SMITH of Michigan. No. It would be harmony, however.

Mr. KENYON. What does the Senator refer to?

Mr. SMITH of Michigan. I do not want to interrupt the Senator.

Mr. KENYON. No; if there is a mistake, I shall be glad to have it corrected.

Mr. SMITH of Michigan. I simply want to ask the Senator if he will not kindly correct the disparity in that statement. I do not know that it is chargeable to him; but I want it to appear that Grand Rapids is not on the Wabash River, and consequently that it does not cost the amount referred to in that quotation to ship a ton of freight from Grand Rapids via the Wabash River. Am I not right about that?

Mr. KENYON. I was quoting from certain remarks of the governor of New York, purporting to be made at the National Rivers and Harbors Congress in this city in 1913. I took the quotation from the CONGRESSIONAL RECORD, from the speech of Mr. CALLAWAY. It is given in the present RECORD exactly as it is there, which evidently must be a mistake.

Mr. SMITH of Michigan. The Senator from Iowa is so uniformly correct that I thought this error, which probably was a quotation not attributable to him, might be shown to be an error.

Mr. KENYON. I suppose that should be the Grand River?

Mr. SMITH of Michigan. Well, it might cost a little more than $56 a ton to ship freight by the Grand River from Grand Rapids now, because we would have to remove a bar at an expense of about $300,000.

Mr. BURTON. Mr. President, if the Senator from Iowa will yield to me, I can easily explain how that misunderstanding arose.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. Well, I will yield; but I must insist after a while upon being allowed to proceed without interruption.

Mr. BURTON. There is a town of Grand Rapids on the Wabash River.

Mr. SMITH of Michigan. But it is not in Michigan.

Mr. BURTON. Of course the Senator claims that whenever Grand Rapids is mentioned, Michigan is meant.

Mr. SMITH of Michigan. Whenever Grand Rapids is mentioned the world recognizes it as Grand Rapids, Mich.

Mr. BURTON. I fancy that is so; but the Senator from Michigan must not overlook the fact that Grand Rapids is quite a common name, and that there is a town—or I suppose they would call it a city—of Grand Rapids on the Wabash River, and there is a lock and dam there.

Mr. SMITH of Michigan. Yes; but the word "Michigan" ought not to be after "Grand Rapids" if it is an Indiana town. That is all right, however. I simply wanted to have it known that Grand Rapids, Mich., is not on the Wabash, and that it is on the Grand River.

Mr. KENYON. The Senator has placed it on the map.

Mr. SMITH of Michigan. I thank the Senator from Iowa.

Mr. KENYON. I will make that correction.

The policy of dribbling improvements, and spreading out over a great period of years and over a great area of country certain sums of money, has also led to an abuse which perhaps can not be prevented if that policy is to continue. In the minority report the Senator from Ohio [Mr. BURTON] sets forth some illustrations of this piecemeal policy in the pending bill. Without reading, I am going to ask to insert as a part of my remarks the table which he has used on the third page of that report.

The PRESIDING OFFICER. There being no objection, that may be done. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

The following are illustrations of this piecemeal policy in the pending bill:

| | Appropriation in this bill. | Cost for completion. |
|---|---|---|
| East River and Hell Gate, N. Y. | $500,000 | $13,400,000 |
| Improving Harlem River, N. Y. | 100,000 | 1,628,000 |
| Delaware River, Pa., N. J., and Del., cash and continuing contract | 2,000,000 | 6,809,200 |
| Chesapeake & Delaware Canal | 2,250,000 | 8,000,000 |
| Harbor at Norfolk, Va. | 270,000 | 1,114,000 |
| Inland waterway, Norfolk, Va., to Beaufort Inlet, N. C. | 600,000 | 4,000,000 |
| Cape Fear River above Wilmington | 91,000 | [1] 416,000 |
| St. Johns River, Fla., to the ocean | 300,000 | 777,000 |
| Channel from Pensacola Bay to Mobile Bay | 50,000 | 432,435 |
| Channel, Mobile Bay to Mississippi River | 25,000 | 312,015 or 434,170 |
| Waterway, Mississippi River to Bayou Teche, La. | 100,000 | 1,655,500 or 2,062,900 |
| Galveston Channel, Tex., by the construction of a sea wall. | 100,000 | 1,185,000 |
| Brazos River, Tex., locks and dams | 250,000 | Indefinite. |
| Trinity River, Tex., locks and dams | 240,000 | Indefinite. |
| Cumberland River below Nashville | 250,000 | 2,201,832 |
| Cumberland River above Nashville | 340,000 | 4,500,000 |
| Ohio River | 5,000,000 | 51,057,000 |
| Mississippi River between Ohio and Missouri Rivers | 1,000,000 | 17,250,000 |
| Mississippi River between Missouri River and St. Paul | 1,500,000 | 13,500,000 |
| Fourth lock, St. Marys River, Mich | 250,000 | 2,475,000 |
| Missouri River Kansas City to the mouth | 2,000,000 | 15,600,000 |
| Sacramento and Feather Rivers, Cal. | 200,000 | 5,860,000 |

[1] Increase in estimate. [2] $3,877,000 in sundry civil bill.

Mr. KENYON. Now, just an illustration of that, which I desire to place in the RECORD.

The James River, Va., is a project which is set forth in the minority report as having been commenced in 1884. That project has been in progress for 30 years, and is now only 42½ per cent completed. This bill, as the distinguished Senator shows in the minority report, provides an appropriation of $200,000, while the estimated cost will be over $3,000,000; and it will require 15 years to complete it. That does not seem to me a good business proposition.

Sandy Bay harbor of refuge, Massachusetts, to which the Senator from Ohio also referred in his address, where the estimated cost of completing the project is approximately $5,000,000, and work on that matter has been in progress for some 29 years, and there has been expended approximately $1,800,000. I am inclined to think that work has been practically abandoned, as this bill seems to carry no appropriation for it; and it is a reasonable presumption that anything that is not appropriated for in this bill has been abandoned.

The Columbia and lower Willamette Rivers below Portland, Oreg. On those rivers the work was commenced as far back as 1877, and the total amount expended has been nearly $3,000,000—$2,709,000—and it will require some two and a half million dollars more to complete the work. Now, would it not be better to have some plan whereby the appropriations shall be made to take care of the entire work and finish up a few good projects instead of dabbling over a large number of projects?

Over 20 years ago a breakwater was commenced at Bar Harbor, Me. A large amount of money has been spent on that, but it will require many years yet to complete it.

The breakwater at New Haven, Conn., I think, is not yet completed, and it will require many more years to complete.

The appropriation for the Harlem River, which, of course, must be taken care of, as it is a great channel of commerce; the canal system which has been referred to along the Tennessee River; the Trinity River, with its numerous canal projects that will take many, many years and a large amount of money. All these illustrate the wasteful manner in which river and harbor improvements are carried out.

Those who object to this lavish expenditure of money for river and harbor improvements are met with the argument, as it has been stated on this floor, that water transportation is a regulator of railroad rates. We have discussed that matter here so often that there is no use of adding to the discussion anything further, I think. It has been shown, for instance, as to the Mississippi, where we have spent $140,000,000, that it would be a sufficient amount to build a railroad on each side of the river from its mouth to its source.

River appropriations, generally, for the purpose of regulating freight rates, have not proven a success. This Government has adopted a policy of regulation. We have a commission for the purpose. It is a satisfactory policy. We do not have to invest money to employ competitors for railroads. That is too expensive a method. If we are to admit that our commission and the courts can not control railroad rates, then we must admit that the particular method we have adopted as a national policy is a failure.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. POINDEXTER. Does the Senator from Iowa deny that water transportation is cheaper than railroad transportation?

Mr. KENYON. Certainly not.

Mr. POINDEXTER. If it is cheaper, is it not desirable?

Mr. KENYON. It is; but if the Government, in order to make it cheaper for certain people who may use it, is compelled to pay out unwarranted sums of money which, if they should be taken into account, would show that the rate on the water far exceeded what it appears to be in any rate that the steamboat companies may have, I should want to consider that proposition before agreeing that it was in every case desirable.

Mr. POINDEXTER. Of course, if the Senator will pardon me a word, whether or not that is the case depends upon the matter of operation and the influences which control it. But the Senator admits that in general and with equally favorable administration it is cheaper, and I can not see how he can escape from the conclusion that it will tend to reduce railroad rates.

I will add, if the Senator will pardon me, that amounts of expenditures, places of expenditure, and the methods of construction ought to be the subject of the highest possible efficiency that we can obtain. That matter ought not to be loosely dealt with; but conceding that we have attained the highest efficiency and the best methods, the Senator seems to agree with those of us who favor the improvement of our internal waterways.

Mr. KENYON. I do not think there would be very much dispute between the Senator and myself. The difficulty has been that the railroads have gobbled up the transportation on the water or they have made rates which have absolutely put the water transportation out of business. If we could have the power given the Interstate Commerce Commission, which they do not now have, of making a minimum rate as well as a maximum rate, then that particular objection and that particular destructive faculty as to water rates might be eliminated.

I introduced at the first session I was here an amendment to the interstate-commerce act giving the commission power to fix a minimum rate. I think they ought to have that power, or power to make a differential in the water transportation, and provide, as I think France does, that between competing points of water and railroad transportation the railroads must charge a differential 20 per cent higher. I do not know whether that is feasible or not in this country; but I do know, or think I know, that the minimum rate proposition would be a feasible proposition and would help.

Now, there is the other fundamental proposition, and I am interested in discussing this with the Senator, because I do not think we differ about it. If the railroads can be prohibited from owning water-carrier boats, as we prohibit these boats going through the Panama Canal, that might be some help. But we had the discussion here on the floor, and one of the ablest arguments that was presented on that question was by the Senator from Washington [Mr. POINDEXTER] on the Panama Canal tolls bill. The Senator made an argument there along the line that free tolls through the canal would reduce transcontinental railroad rates, and it was a very powerful argument. Probably that is so. I voted contrary to the Senator on that bill because I felt that it was a subsidy. But suppose you do reduce, as in that case, your transcontinental rates, it benefits a great many people, but it works an injustice on other people, because the railroad is entitled to earn reasonable returns on its investment, and if it makes a rate less than is fair and reasonable for certain people because of the water competition, it is putting an additional burden on somebody else. That is the question which has always troubled me.

Take some of these streams where appropriations are made to regulate rates. There are a few people living along the stream who get a benefit out of it; but the number would not be one out of ten of those who get no benefit out of it and who are compelled not only to pay their part of improving this waterway to reduce the freight rates, but are possibly compelled to pay more freight rates because of that very fact.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. Certainly.

Mr. POINDEXTER. That is a very frank statement of the Senator from Iowa. It does credit to his sincerity of argument and purpose in this matter. It amounts, it seems to me, to a statement that the country is not justified in public improvements of this kind. Take the Panama Canal, for instance. We are not justified in constructing and operating a great free waterway as a national public utility, because, the Senator says, if we do that we will reduce railroad rates to transcontinental points and compel other points, which have not the benefit of that competition, to pay the difference. In other words, the Senator, it seems to me, says in his argument that we are not justified in getting the cheapest transportation wherever we can get it.

Mr. KENYON. No; what——

Mr. POINDEXTER. I think we are. This question of internal improvements and of transportation has been fought out a long time ago, and I assumed it was almost universally the accepted policy of the country.

Mr. KENYON. I do not want the Senator to understand that I am opposed to these works of internal improvement, if some system can be worked out, possibly some cooperation under governmental control, as in some of the European countries, between the water transportation and the railroad transportation so that all the people may share the benefit of it.

Now, the ultimate inquiry in the Senator's mind, as in my own and of every other person, is, What is the ultimate public good, the good for the greatest number? I do not believe that it is a fair proposition for the people of this country to spend $400,000,000 on the Panama Canal just to give people in certain parts of this country a cheaper freight rate, and I do not believe if that proposition had been advanced as the reason for the Panama Canal that it ever would have been constructed. It was a great military purpose, with an incidental benefit to commerce.

Mr. POINDEXTER. I do not want to be drawn into a general interruption of the Senator's speech and argument in this matter, especially when it leads to a reargument of the Panama Canal question.

Mr. KENYON. I am very glad to have the Senator interrupt me.

Mr. POINDEXTER. I just want to say this: The Senator neglected to state that complementary to that part of my argument in regard to the Panama Canal I called attention to the fact of its connection with the great river ways of the country—the Mississippi and Missouri and all the great rivers emptying into the Atlantic and Pacific—so that it was not simply the people at Atlantic and Pacific terminals who would get the benefit of that canal. I do not think that there is any public improvement of any kind possible to be pointed out that is more general in its benefits than a transcontinental waterway, and that is practically what the Panama Canal is.

If the Senator adheres to the point which he just made—that we are not justified in a public improvement unless its benefit is universal throughout the country—then he will strike out every item in this bill, because there is not one of them which affects everybody in the country.

Mr. KENYON. No; I do not agree with the Senator at all about that. There are some items in this bill which are peculiarly of a local nature and for local interests. There are other improvements that from the viewpoint of the average man would be considered as works of great internal improvement that are beneficial to the entire country.

I do not agree with the improvement of the Ohio River to the extent that has been projected, to the extent the engineers have recommended, and to the extent that Congress has committed itself. I am not satisfied that it is justifiable as a work of internal improvement, beneficial to the whole country. There are $63,000,000 to be spent, and there is a commerce constantly decreasing. Now, query: Is there any great public benefit coming out of a tremendous appropriation of that kind? And when we look at these benefits we ought also to consider where the money comes from. We never stop to do that, but say this may give cheaper freight rates.

I do not believe that the people of the Senator's State ought to pay increased freight rates to give the people of my State cheaper freight rates, and I do not believe the people of my State ought to pay higher freight rates to give the people of his State cheaper freight rates, unless in some way you can figure out that that is going to be for the general public benefit. Of course, that is a difficult proposition.

I want to read along that line, because I want it in the RECORD, from the final report of the National Waterways Commission, under the title "Desirable legislation for the protection of water transportation and for establishing greater cooperation between railways and waterways." I only go this far; I do not want the Senator to misunderstand me, that I think we have not settled by what has taken place in this country the proper system for cooperation.

I do not want to say it is not a good thing. I am not convinced in my own mind of any way to handle the subject, but I want to commend to the Senator this report:

The commission in its preliminary report called attention to the fact that the decline of water transportation in the United States was due largely to the competition of railways, and pointed out that railways had certain natural advantages which caused them to be preferred by shippers as a means of transportation. Some of these advantages are the greater accessibility to all points, the readier exchange of traffic from one road to another on through rates and through bills of lading, which has been possible since the adoption of a standard gauge for all the railroads of the United States, the superior terminal facilities, and in most instances the greater speed and reliability of service.

It was also pointed out in the preliminary report of the commission that the railways had secured a further advantage by rate cutting and other discriminatory practices which were not prohibited by law. Since the filing of this report with Congress this latter advantage has been to some extent removed by the amendments to the interstate commerce act made by the Mann-Elkins law of 1910. Section 4 of the act of 1887 has been strengthened so that railways can not charge less for a longer than for a shorter haul, except with the consent of the Interstate Commerce Commission, although the extent of the commission's power in this respect is still somewhat uncertain, owing to the reversal of its decision in the Intermountain Rate cases by the Commerce Court. A provision has also been added, following the suggestion of the National Waterways Commission, which prohibits—

And this is a very important proviso, which was drawn by the distinguished Senator from Ohio—

which prohibits railways that have lowered their rates in competition with waterways from raising them again, unless after hearing by the Interstate Commerce Commission it is shown that the proposed increase rests upon changed conditions other than the elimination of water transportation. This new legislation will, it is hoped, give greater confidence to capital in investing in the business of water transportation. But, as pointed out in the preliminary report, the rehabilitation of water-borne traffic will not be complete unless there is greater cooperation between railways and waterways, so that they will exchange traffic, just as the railways now do with one another on joint rates and through bills of lading. Unless this exchange of traffic can be accomplished the business of the waterways must necessarily be confined to their banks. After careful consideration the commission believes that the best means of establishing greater cooperation between the two agencies of transportation is to increase the power of the Interstate Commerce Commission over water carriers.

Power of commission over water carriers.—When the act to regulate interstate commerce was passed in 1887, boat lines were intentionally exempted from the scope of the law, because it was thought that if they were free from any governmental restraint they would be better able to compete with railways and would be more effective as regulators of railway rates.

The only power the Interstate Commerce Commission has over water lines is derived in the first instance from section 1 of the amended act of 1887.

And that is then set out.

There is great need of increasing the power of the Interstate Commerce Commission over joint rates and through routes between rail and water lines, so that it may form such routes and compel such joint rates wherever, in its opinion, it is for the public interest. The commission should also be given power to compel physical connection between railways and waterways wherever possible and necessary for the formation of through routes. Unless this power is granted, the cost and inconvenience of transferring freight by truck from one terminal to the other will offer a serious obstacle to the development of exchange traffic. It is also desirable that the commission should have power to compel railways to charge less than the local rates to all lake, river, and sea ports on through traffic to be exchanged with boat lines engaged in domestic trade, unless prorating arrangements already exist. Such reduced rates are now voluntarily granted in some cases, especially along the Great Lakes. Where reductions are not granted, the high local rate charged by a railroad on transfer traffic so largely offsets the lower water rate that there is no advantage in shipping by the combination rail and water route.

The commission believes that the protection afforded the waterways by section 4 of the act to regulate interstate commerce as amended in 1910 is not sufficient for the preservation and the growth of water transportation. The lack of adequate regulations makes it possible for the railways to effectually control or to crush out water competition through their ownership and control of boat lines. It is a well-known fact that the trunk-line railways, through their control over terminals at Buffalo and their ownership of steamship companies on the Great Lakes, have been able to dominate the lake and rail package-freight business between New York and Chicago, and also to a considerable extent the grain traffic. On the business thus controlled the water rates have risen, while on the coal, iron, and grain traffic not controlled by the railways the water rates have steadily declined. In like manner the New York, New Haven & Hartford Railroad practically dominates water transportation on Long Island Sound by reason of its ownership of the New England Navigation Co.

Then the recommendations of the commission, I think, are interesting, because this commission gave great study to this subject, and it was composed of very distinguished Members of this body, in part.

The commission believes that the simplest and most effective means of securing these desired regulations is to give the Interstate Commerce Commission greater control over water lines, and accordingly recommends that every water carrier engaged in interstate commerce which is owned or controlled by a railroad, or in which a railroad is in any way interested, and also every independent water carrier which operates over a specified route with regular schedules, be placed under the control of the Interstate Commerce Commission and be made subject to the same rules and regulations now imposed upon railway corporations, in so far as they are applicable. The commission should, however, be given broad discretionary power in enforcing the requirements of the law, particularly those relating to the filing and changing of rates, so that no unnecessary burdens will be imposed upon water transportation. The commission also recommends that the Interstate Commerce Commission be empowered to establish physical connection between the terminals of railways and boat lines where possible and desirable, and also to compel the charging of lower than the regular rates to river, lake, or sea ports when the traffic is to be exchanged with water carriers.

So that commission had many recommendations to make, which do not seem to have brought about any practical results.

As the question of canals and waterways has been suggested, I wish to take that up in a few moments and to show that in the great harbors of the country the terminals are owned and controlled by railroads. I think it is a pretty serious proposition whether or not we should vote away great sums of money to harbors where the landings are inaccessible to the public and they must secure the right from a railroad company. We heard a good deal about subsidy in the Panama Canal tolls debate. How this is distinguished from a subsidy I have not been able to understand.

As to canals, we find that in England the canals commenced to fall into the hands of the railroad companies. The French Government has spent great sums of money in the development of canals and the improvement and maintenance of its waterways, amounting to some $450,000,000. I do not know what Germany has spent, but the amount has been very large. In many of the cities of Europe, as in the unfortunate city of Brussels, there have been tremendous sums spent on inland harbors.

We have had different periods of development of inland water transportation, starting away back in the sixteenth century and coming down to the advent of general railway building. The canal, primitive in its construction, and the waterway were the principal means of transportation. Then came the period of great competition on the part of the railroads. Then came what was practically the third period, when, commencing in France and Germany, along about 1870, there was a revival of water transportation. It has been a success in Germany, I think, and in France, where there has been cooperation between water transportation and rail transportation. We have not made a success of it in this country. I have tried to give in a crude way some of the reasons we have not done so, and there are probably a good many others. We now have ourselves looking squarely at the proposition of canals that have been abandoned, at least that is true of many State canals. The Commissioner of Corporations, in his report, in referring to this matter, in volume 1, page 1, of the report on "General conditions of transportation by water," says:

About 4,500 miles of canals have been constructed in the United States. Of these, 2,444 miles, costing in all about $80,000,000, have been abandoned. * * * State canals are maintained in New York, Ohio, Illinois, and Louisiana, with a total mileage of nearly 1,360 miles. * * * There are 16 private canals in operation in the United States of more than local importance, with an aggregate mileage of 632 miles.

In the letter of transmittal, speaking of these inland waterway improvements, the commissioner says:

Since 1870 a general policy of Federal waterway improvement has been followed. The total Federal appropriations for inland river improvements up to 1907 have been over $250,000,000. There has been very little cooperation between the central and local authorities. This has resulted in inevitable lack of uniformity and of comprehensive plan and in the lack of any proportionate contribution from the localities peculiarly benefited.

There are some provisions in the pending bill, though not many, providing that the localities must contribute something

for the work. It seems to me those are most commendable provisions.

European countries have in many cases distributed the costs of waterway improvements upon localities in some ratio with the special benefits received. Such cooperation is worthy of careful consideration in any comprehensive plan of waterway improvement.

The Commissioner of Corporations makes some other observations as to canals, which will be found on page 4.

The height of interest in canal building came about 1827 and 1837, after the success of the Erie Canal. The crisis of 1837 stopped canal building for the time. The introduction of the railroad about this time was also an important factor in this decline. Since then the use of canals has been as a whole steadily decreasing, both in absolute amount and still more markedly in proportion to the total traffic of the country. This is due in part to improvident original location of the canals, in part to mismanagement and to adverse control of strategic connections and terminals, but, above all else, to the fundamental inability of the ordinary type of towpath canal to meet modern conditions of transportation. They are thus unable to compete with railroads to any considerable extent.

Again, in reference to cooperation in improvement, on page 8, the commissioner says:

While it is true that the entire country is to some extent interested in a good waterway system in each part thereof, nevertheless it must be remembered, as pointed out above, that any complete unification of that system is, for the present at least, physically impossible, and that therefore the traffic on such waterways will remain for a time confined to certain large sections of the country, and the direct benefit thereof will also to a considerable degree be local. European countries have in many cases met a similar condition by a distribution of costs of improvements apportioned upon localities in some ratio to special benefits received.

The extent—

Says the commissioner—

to which State and private canals have been abandoned is strikingly shown by the census reports of 1880 and 1890.

I gave the figures a few moments ago as to the exact amount.

Government appropriations for waterway improvements have been used for works of various kinds. Harbors have been deepened and enlarged or reconstructed by building breakwaters; lake channels have been deepened; rivers have been made more navigable by the removal of obstructions, by dredging, and by establishing stretches of navigable slack water through the construction of locks and dams; and a number of canals have been constructed, mainly as links in more extended lake or river systems of navigation.

Mr. President, I want to place this in the RECORD, which is found on page 158 of this report:

There has been a notable increase in the extent of corporate ownership from 1889 to 1906. In 1889 corporations owned but 28.1 per cent of the steam and sail vessels on the Atlantic and Gulf coasts; in 1906 this had increased to 63.5 per cent; of steam vessels, 73.6 per cent were owned by corporations in the former year, and this had increased to 85.3 per cent; but the increased proportion of steam to sail tonnage made this of itself an important factor in the total increase of corporate ownership. * * *

On the Great Lakes 85.5 per cent of the total vessel tonnage was owned by corporations in 1906, and on the Mississippi River and tributaries not less than 96 per cent of the total tonnage reported was so owned.

Then further, along the line I have been suggesting as to the ownership by railroads, the commissioner has this to say on page 160:

Control by railroads and other combinations: Even after corporations had become the more usual form of organization for steamboat and steamship companies these were often controlled by a few individuals, and in many cases by members of the same family. Navigation companies were also in most cases conservatively capitalized, and their stock was not offered on the open market or listed on the exchanges. In recent years, however, there have been notable changes in these respects. Small companies operating a single vessel or a local line of steamers have, by expansion or consolidation, developed into great corporations with large fleets of vessels and many lines operating over a wide extent of territory. The most notable instance of consolidation has been that brought about by the organization of the Consolidated Steamship Lines, commonly known as the Morse combination, including half a dozen important Atlantic coast lines, controlling a large share of the regular packet-line business in this important district; but there are also other instances on both ocean and river routes.

I quote now from page 161:

On the Atlantic and Gulf coasts practically all the important packet coastwise lines are consolidated or controlled by railroads, and the bulk traffic in coal in the same territory is also to a large extent under railroad control. On the Pacific coast railroads control most of the regular coastwise and river packet lines. On the Great Lakes railroads control most of the packet lines and a large share of the grain movement; the iron-ore movement is to a large degree under the control of a company subsidiary to the United States Steel Corporation. On the Ohio and Mississippi Rivers the Monongahela River Consolidated Coal & Coke Co. controls a very large proportion of the coal traffic, the largest movement of freight on these rivers.

The Government has been compelled to bring action to dissolve the combination of the great towing lines on the Lakes.

Then, there is the Erie Canal, about which we hear a great deal as a successful enterprise. That canal was built by the State of New York for the purpose of giving water transportation across the State and by that means to keep down the railroad rates. That canal, on which New York is expending something like $128,000,000, seems to be absolutely under the control of the railroads. In this connection, I desire to quote from Commissioner Luther Conant in the letter of transmittal accompanying part 4 of his report:

Moreover, on the Erie Canal, the most important artificial inland waterway of the country, the westbound business has virtually passed under the control of the railroads, while eastbound traffic has been largely diverted from the canal by repeated reductions in railroad rates, rate arrangements, and railway control of terminal facilities. These reductions of rail rates are, however, to a considerable extent attributable to canal competition. At the present time the State of New York is making very expensive improvements in the canal, in the hope of restoring a large volume of traffic.

Railroad control of westbound traffic on the canal has been followed by marked advances in canal and lake class rates in the face of an unchanged all-rail rate.

At the time of the opening of the Erie Canal there was a great impetus given to the development of the country. It was possibly one of the greatest influences we have had in quickening our commercial life; and following that, great numbers of canals were constructed throughout the country; but, as I have shown by the report of the commissioner, many of them have been abandoned. The Erie Canal reached its highest degree of efficiency along about the year 1850. In the year 1850 the canals of New York carried 88.1 per cent of the total traffic handled in the State; in 1873 this percentage had fallen to 34.9, and in 1908 it had fallen to 3.9 per cent.

The canal system of Ohio was commenced in 1825 and reached, some time in the forties, its highest degree of efficiency, but the commerce has been falling away since.

There is contained in this bill—and I only refer to it because I am on the general subject of canals—after all the unfortunate experience with canals we have had in this country and will continue to have until we establish some system of regulation in the competition of the railroads and the canals or some system of cooperation to develop the traffic mutually between the railroads and the canals, there are contained in this bill scattering appropriations for the great project known as the intercoastal canal. The Chesapeake & Delaware Canal is one link in that great chain, and I understand that the Norfolk & Beaufort Canal project is another.

The Atlantic Intercoastal Waterway Publication furnishes some definite figures as to this project in its entirety, which I desire to have in the RECORD as showing that, notwithstanding our unfortunate experience in this country with canals and the fact that we have done practically nothing to remedy the troubles and defects as pointed out in the report of the Commissioner of Corporations, to which I have referred, we are still running riot on the canal proposition. Boards of trade and commercial clubs and booster organizations see some merit in these propositions; Representatives and Senators unite to assist, and so Congress is bombarded with the proposition now for a canal along the coast practically from New York City on down to some place in Texas. The cost of that canal at the mildest estimate will run up into figures which are perfectly astounding; but we are starting on it, and I suppose that it must come, unless there is some protest on the part of the people, who eventually must pay for it.

As set forth in this publication, The Atlantic Intercoastal Waterway Publication, the following are the sections of the Atlantic intercoastal waterway route as now recommended by the engineers, and these are the estimates:

St. Johns River, Fla., to Fernandina, Fla., 7 feet depth, $251,726.75; work under way.

Fernandina, Fla., to Savannah River, Ga., 7 feet depth, work under way, $195,000.

Savannah River, Ga., to Charleston Harbor, S. C., 7 feet depth, $427,400; work partly under way.

Charleston Harbor, S. C., to Winyah Bay, S. C., 7 feet depth, construction recommended, $1,227,800.

Winyah Bay to Little River, S. C., 7 feet depth, $5,677,800; construction recommended.

Little River, S. C., to Cape Fear., N. C., 7 feet depth, $3,724,219; construction recommended.

Cape Fear, N. C., to Beaufort, N. C., 7 feet depth, construction recommended, $2,872,111.

Total, southern section, Atlantic intercoastal waterway, St. Johns River, Fla., to Beaufort Inlet, N. C., in round numbers, $14,400,000.

Beaufort Inlet, N. C., to Norfolk, Va., 12 feet depth, $5,400,000. Project approved by Congress. Work partly completed. Chesapeake & Albemarle Canal purchased. Much of the route lies in Pamlico and Albemarle Sounds, natural waterways, requiring no improvement.

Norfolk, Va., to head of Chesapeake Bay, Md., $10,514,290. Recommended for immediate action, including purchase or condemnation of existing Chesapeake & Delaware Canal. That is the project that was in this bill.

Delaware City to Bordentown, N. J. Route follows channel of the Delaware River, for which present depth is sufficient

over entire distance, assuming a 12-foot project, $20,000,000; which also includes, I think, Bordentown, N. J., to South Amboy, N. J., 12 feet depth, immediate construction recommended.

South Amboy, N. J., to New York Bay, and thence to Hudson River and Long Island Sound, natural waterway, requiring no improvement for a 12-foot project.

Total, northern section, Atlantic intercoastal waterway, Beaufort Inlet, N. C., to New York Bay, in round numbers, $36,000,000.

Total cost, as recommended by the Army engineers, $50,400,000.

Then the pamphlet goes on to set out the postponed projects.

The following sections of the intercoastal waterway route have been surveyed by the Army engineers; and, while not adversely reported, consideration is postponed until more progress has been made on the foregoing sections:

Key West, Fla., to Indian River, Fla., 7 feet depth, $2,127,950.

Indian River, Fla., to St. Johns River, Fla., 7 feet depth, $2,491,056.03.

Fishers Island Sound, Conn., to Narragansett Bay, R. I., 18 feet depth, $12,322,000.

Narragansett Bay, R. I., to Boston Harbor, Mass., 18 feet depth, $29,590,000.

Or a total for projects named of $96,931,006.03.

That is what has been recommended, if this publication is correct, by our Army Engineer Bureau; and, of course, if these estimates should turn out in reality as the Panama Canal estimates turned out, it would be double that amount before we got through with it.

We are going ahead now on portions of this canal. I assume, of course, that there is some commerce in these different canals that connect the open waterways, and that it is not necessary that the entire intercoastal canal shall be completed before it will be of any service. It does seem to me, however—perhaps I am all wrong about it—that before $100,000,000 is to be spent on this kind of a proposition we had better have some system, some plan that will make it of permanent and lasting value.

We have had some other experiences with canals that ought to cause us to pause before making very heavy appropriations. When I was a boy I used to hear about the Hennepin Canal. Some of the people of my State thought in those early days that the Hennepin Canal would be one of the greatest blessings that could ever come to the State of Iowa. I think it is not discourteous to the memory of the man who was then Congressman from the second district in our State, Mr. Murphy, to say that he was elected to Congress time and time again because of the rosy picture which he painted to the voters of the great blessings of the Hennepin Canal. Some of our State officers thought it would be a great blessing. It was claimed by these enthusiasts, who had worked themselves up to believe that this was a splendid scheme, as well as by those whose advocacy of it helped them politically, that it would lower freight rates in our State. It was said that it would save as much as $20,000,000 per annum to the people of Iowa in freight rates.

I was at Princeton, Ill., last year, and while I had heard a great deal all my life about the Hennepin Canal I never had seen it; and learning that it flowed near the town of Princeton I went down to see it. I found the locks and dams there, and a little stream, not in very good repair. The lock keeper informed me that they practically had no commerce whatever along there. This great work has cost this Government up to June 30, 1913, $8,743,347.95; and for the year 1913 the total tonnage of Government freight and commercial freight was 41,342 tons. The commercial freight was 11,962 tons and the Government freight was 29,280 tons. Taking the commercial tonnage for the year 1913, 11,962 tons, and the number of ton-miles, 473,448, it makes the cost to the Government of the United States for the conveyance of freight on this canal $46.33 per ton. It has not reduced railroad rates one penny, and the fact that it shows a carriage of 11,962 tons of commercial freight is evidence that that canal has not been much of a success. In fact, it has been a dismal failure; and I understand the canal it connects with in the State of Illinois has now become in such condition that it is almost impossible to transport anything thereon.

Some observations on the Hennepin Canal are contained in an article in the World's Work of May to October, of 1910, as bound, which are very interesting. There was not any more need of that canal than there was need of a cat having two tails. It was filled with water and opened to navigation October 24, 1907, with great ceremonies, and the distinguished Congressmen who had secured an expenditure of some $7,000,000 on the part of the Government were royally entertained at different banquets along the canal. It was filled with water to start with; it is far from that now. During the calendar year 1908, a total of 8,512 lockages were made at the 30 locks and emergency gates. Over 3,000 of these were for the United States and 5,000 for commercial boats. Seven hundred and twenty of the lockages were made for commercial steamboats and 689 for barges. The remainder were for house boats, gasoline launches, and rowboats. And now, every once in a while, in the moonlight along the canal can be found a rowboat or a launch gliding quietly along, and that is about all there is to it. Of course it is done and gone, and the Government is paying out for cost of operation and maintenance over $200,000 a year.

Another canal to which I wish to refer is the Muscle Shoals Canal. We have from the Secretary of War a statement, in response to a resolution of the Senator from Oregon in the Panama tolls debate, showing the cost of operating locks and dams for the fiscal year ending June 30, 1913, and the total tonnage passing through in each year. Turning to that official document, I find the cost of operation for the fiscal year 1913 of the Muscle Shoals Canal to be $46,393.14, and the tonnage passing through 5,520 tons; and yet we are asked in this bill to go on with further plans of canalization in that river. It costs the Government, excluding capitalization or any reference thereto, for the mere cost of operation, $9 a ton for every ton that goes through there. Are we going to keep on appropriating for that kind of a project?

Trinity River has been referred to. There are three locks, and I think another in process of operation. The cost of operation for the fiscal year 1913 of Lock No. 1 was $1,937.24. Tonnage passing through, nothing.

Lock No. 4: Cost of operation, fiscal year 1913, $355.97, and the same amount of tonnage.

This is the record of the War Department.

Lock No. 6: Cost of operation, fiscal year 1913, $4,190.87. Tonnage, nothing.

It is impossible to figure on the Trinity River how much it costs a ton to put freight through the canal, because there are no tons to figure on. Yet we are seriously asked to go on with a scheme of 37 locks and dams along that river.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Do the engineers' reports or any other authority which may be available give any estimate as to what would be the increase of tonnage or shipping which might be expected in the event these contemplated improvements were in fact made?

Mr. KENYON. I think not. Of course, that question suggests the thought that some of these canalization schemes or plans can perhaps not be thoroughly judged until they are entirely completed. There may be situations where one or two locks or dams are constructed and there may be no traffic, while if the entire plan is carried out there may be traffic and there may not be.

Mr. POMERENE. Of course, it occurs to all of us that a given river may be in such a condition as that it would be impossible of navigation, and therefore could not be used at all, and if proper improvements were made it might be made a very available means of transportation.

Mr. KENYON. That is entirely true, and that illustrates the point I have been arguing earlier in the day—that there ought to be some plan to complete these works if they are to be done. We build one year one and one the next, and it will take 37 years to complete the Trinity River, and by the time the last lock is built the first one will be good for nothing. So it is just a merry-go-round of expenditure. That Trinity River canalization is going to cost the Government $10,000,000 before the Government gets through with it.

The Coosa River canalization will cost $5,106,428, it is estimated.

The Lake Erie & Ohio River Canal is another one to which I desire to refer briefly. By section 4 of the river and harbor act of February 27, 1911, the National Waterways Commission was authorized to investigate and report upon the advisability and feasibility of a canal connecting the Ohio River at a point near Pittsburgh with Lake Erie.

In April, 1911, several members of the commission visited Pittsburgh, held hearings, and inspected the route of the proposed canal. At the request of the commission a report was prepared by Lieut. Col. H. C. Newcomer, of the Corps of Engineers, containing much valuable information relative to this project.

* * * * * * *

The surveys made in 1905 fixed the total cost at $53,000,000. It is generally conceded now that this figure is somewhat too low—that $60,000,000 would be a more correct estimate.

* * * * * * * *

It must be conceded that there is not in the whole United States a region offering greater traffic possibilities, especially in coarse, bulky freights such as would naturally go by water. In the territory between the Great Lakes and the Ohio River which this canal will traverse there is moved annually more than 50,000,000 tons of iron ore, coal, and coke, the iron ore being transported from the Lake Erie ports to the Mahoning Valley and Pittsburgh districts and the coal and coke being carried in the opposite direction.

The Lake Erie & Lake Michigan Canal is another project to which we are turning our eyes. Under the act of February 27, 1911, the commission was authorized to investigate and report to Congress concerning a canal by way of the Maumee River to Fort Wayne or other direct and feasible route from the southerly end of Lake Michigan.

So everywhere over the country is coming the demand for canals, absolutely reckless of what the expense may be, notwithstanding the experience that this country has had with reference to the construction and building of canals.

If these enormous expenses are going to keep on, and this Government by systems of canalization is going to be compelled in many instances to pay out more for putting the produce through the canal, as we have shown here is the situation on the Tennessee River, there is going to be another canal that will need enlargement, and that will be the Salt Creek Canal, to carry the political barges that are going up there when the people thoroughly understand this proposition.

I have referred in passing to a feature of this matter that I now want to take up. It has been said here twice, I think, by the Senator from Louisiana [Mr. RANSDELL], in tones that almost melted my heart, that it was very strange that the opponents of this measure objected to nothing but rivers. It is probable that there has been more objection to rivers, as to these river and harbor bills, than there has been as to harbors. Harbors have generally been carried on in their improvements upon a more scientific plan.

I do not know that this point I am about to make amounts to anything, but it seems to me that where the shore line of the harbors in the country in the instance I shall call attention to is controlled entirely by the railroads, then where money is appropriated for these harbors there ought to be some proviso that a portion of it should be paid by the railroads.

It may be that is not sound economic philosophy, but unless you base it on the great necessity and on the great good and the fact that we must have this commerce I can not understand why it should not be done. Coastwise boats, it has been charged here in the Panama Canal debate, were in a trust—I do not know whether it is true or not—and in many instances they are owned by the railroads. Where these railroads have this monopoly of terminal facilities, where the public can not land except with the permission of the railroads, and you grant these large sums of money, you are doing nothing but granting a subsidy to the railroads.

This question is covered to some extent by the report of the Commissioner of Corporations. Where a water front and harbor have been entirely taken over by private interests, as they have in many cases which I will hereafter refer to, many of them absolutely controlled by the railroads, is not an appropriation to improve the same in fact the granting of a subsidy to railroads and to private interests?

In this bill the first instance of this kind is the harbor at Portland, Me., continuing improvement, $105,000. The second instance is Burlington, Vt.; also Beverly Harbor, Boston Harbor, Providence Harbor, New London, New Haven, Bridgeport, somewhat in New York Harbor, Philadelphia, and other harbors to which I will refer. But before referring specifically to these harbors I want to refer to some speeches of distinguished Senators on this floor on this subsidy question. The distinguished Senator from Oklahoma [Mr. OWEN] who, I regret to note, is absent from the Chamber, said, in his speech:

If the doctrine of giving a subsidy is recognized by the people of the United States as wise and economically just, it would be better for our foreign relations to give the subsidy directly out of our Treasury on the theory of encouraging shipping.

* * * * * * * *

We can not wisely attempt to give a subsidy to a few American citizens at the expense of the citizens of every other nation.

* * * * * * * *

It is not the amount involved which is most important—

I am reading here and there from his speech—

for it will only involve six or eight hundred thousand per annum to American citizens, but it is the false principle of a subsidy to private interests at public expense which is so objectionable.

I am opposed to subsidies, either direct or indirect, and I am opposed to this toll exemption to ships owned by American citizens, because it means a special privilege and indirect subsidy. It means taxing the many for the benefit of the few. It is economically wrong.

I propose in this bill to offer amendments that where the water front of these harbors is controlled by the railroads they shall contribute some part of the money necessary to improve those harbors, and I can not see why they should not do it. I think the Senator from Florida [Mr. BRYAN] said that the municipality at Jacksonville contributed some part of the money for that improvement. Is that correct?

Mr. BRYAN. The whole of it.

Mr. KENYON. The whole of it. I was going to ask the Senator if he saw any reason why, when the railroads did control the whole water front and had the power to keep everybody away from it unless they made contracts with them, when we are appropriating these great sums of money for these harbors, we should not safeguard it and compel them in some way to give the right to everybody free from any expense or else to contribute some part.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I shall be very glad to yield.

Mr. BRYAN. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. The Senator from Iowa has been frequently interrupted, and I think if he had been allowed to proceed he would have finished before this time. I raise the point of order that the Senator from Iowa can not yield for an interruption except by unanimous consent, and I object to an interruption of the Senator from Iowa.

Mr. KENYON. I think that question rests with me. I have been interrupted too frequently in the past to decline now. I am very glad to be interrupted, not for a speech but for a question.

Mr. BRYAN. It does not rest with the Senator from Iowa. If it did rest with the Senator from Iowa or with any single Senator, he could obtain the floor and by yielding farm it out for a whole session.

This question arose in the discussion upon what is known as the force bill, in 1891, when it was attempted by Senators opposing that bill to relieve each other. One Senator would get the floor and yield to another Senator, as has been done so often in this debate. Senator Hoar raised the point. He objected to an interruption by Senator Butler, of South Carolina, of Senator George, of Mississippi. Senator Butler made the same response that the Senator from Iowa now makes. He said:

Mr. BUTLER. The Senator has no right to object. I have the floor.
Mr. HOAR. I have a right to object, and I rise to a question of order.
Mr. BUTLER. I have the floor by the permission of the Senator from Mississippi.
Mr. HOAR. I rise to a question of order, Mr. President.
Mr. BUTLER. I call the Senator from Massachusetts to order.
Mr. HOAR. I will state my question of order.
The VICE PRESIDENT—

Who was Vice President Morton—

The Senator from Massachusetts will state his point of order.
Mr. HOAR. My point of order is that under the usages of the Senate one Senator has not a right to hold the floor and yield it to another, except by unanimous consent, and I object. Otherwise a Senator might hold the floor for a session, and it has been settled again and again.

Mr KENYON. Does the Senator claim I am yielding the floor to anyone? The Senator from Louisiana got up to ask me a question, I assume, and——

Mr. RANSDELL. I rose to ask the Senator a question.

Mr. BRYAN. The rule provides that only one Senator can speak at one time.

Mr. KENYON. We were not both speaking at once.

The PRESIDING OFFICER. The Senator from Florida makes a point of order, and the Chair is ready to rule upon it.

Mr. BRYAN. I should like to state, further, that the Vice President sustained the point of order. It was not appealed from, and the decision of the Chair seemed to meet the approval of Senators upon both sides of the Chamber.

Mr. SMOOT. Mr. President, just a word. I know that the point of order is not debatable, but I do believe that the question is of such importance that we ought to have an understanding as to what it involves.

Mr. POINDEXTER. Mr. President, I rise to a point of order. The point of order is not debatable, and I ask for the regular order.

The PRESIDING OFFICER. If the Senator from Washington persists in his point of order, the Chair will have to sustain it.

Mr. SMOOT. Then I rise to a point of order. The Senator from Iowa did not yield for the purpose of another Senator making a speech. That would be truly out of order, but there is no rule and no decision in this body, that I know of, where a Senator can not yield for a question, and that does not require

unanimous consent, but it does require the consent of the Senator who has the floor.

The PRESIDING OFFICER. The Chair is ready to rule upon the question.

Under the precedent which has been cited by the Senator from Florida a Senator having the floor can not yield it to another Senator upon objection. Neither the Chair nor the Senate, of course, in proceedings of this character, can take knowledge of the length of time a Senator to whom one having the floor may yield may occupy the floor, and the Chair thinks that the point of order made by the Senator from Florida is well taken. If the rule were otherwise, a Senator having the floor could yield to another Senator, and to other Senators of his own choosing, and the Senate itself would lose control of its proceedings. The right to occupy the floor of the Senate in debate is personal to the Senator having that right, and he can not parcel it out to other Senators.

The Chair has knowledge of the custom which prevails in the Senate upon this subject, but thinks that when the rule is invoked it is made the plain duty of the Chair to enforce it. The Chair therefore sustains the point of order.

Mr. SMOOT. From that decision I appeal to the Senate, for I think it is an unfortunate case that this ruling is made upon, and not justifiable.

Mr. BRYAN. I move to lay the appeal on the table.

Mr. SMOOT. Upon that motion I ask for the yeas and nays.

Mr. SIMMONS. I wish to inquire of the Chair the exact point he has ruled upon. I do not know that I understand it. It is my understanding that the Chair has ruled that a Senator occupying the floor can not yield it to another Senator who wishes to interrupt him if an objection is made.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. SIMMONS. The Chair does not hold that if no objection is made a Senator can not yield.

The PRESIDING OFFICER. Certainly not. The case upon which the ruling arose was this: The Senator from Iowa having the floor, was addressed by the Senator from Louisiana, who wished to interrupt him. The Senator from Florida objected, and made the point of order that the Senator from Iowa could not yield to the Senator from Louisiana except by unanimous consent; that if objection was made, he could not yield. The Senator from Florida objected to the Senator from Iowa yielding, and the Chair sustained the point of order. From that ruling of the Chair the Senator from Utah appeals, and the Senator from Florida moves to lay the appeal on the table. On that question the Senator from Utah demands the yeas and nays. Is the call for the yeas and nays sustained?

The yeas and nays were ordered.

Mr. BRYAN. Perhaps in that event it would be better to secure a quorum, in order that Members coming in may understand what the question is. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Brady | Hughes | Nelson | Smith, S. C. |
| Bryan | James | Norris | Smoot |
| Burton | Johnson | Overman | Stone |
| Camden | Jones | Page | Swanson |
| Chamberlain | Kenyon | Perkins | Thomas |
| Chilton | Kern | Pittman | Thornton |
| Clapp | Lane | Poindexter | Vardaman |
| Crawford | Lea, Tenn. | Pomerene | Walsh |
| Culberson | Lee, Md. | Ransdell | West |
| du Pont | Lewis | Robinson | White |
| Fletcher | Martin, Va. | Sheppard | Williams |
| Gore | Martine, N. J. | Simmons | |

Mr. STONE. I desire to state that I have a general pair with the Senator from Wyoming [Mr. CLARK], who, I understand, is absent from the city.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. MCCUMBER and Mr. STERLING answered to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty Senators have answered to the roll call. A quorum is present. The question is on the motion of the Senator from Florida [Mr. BRYAN] to lay the appeal from the decision of the Chair on the table.

Mr. SMOOT. Is that the way the Chair will put the question, or will the Chair put it, Shall the decision of the Chair be sustained?

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida to lay the appeal on the table.

Mr. WEST. Was there not an appeal from the decision of the Chair?

The PRESIDING OFFICER. There was. If there is no objection, the Chair will state the question to the Senate. The Chair hears none.

The Senator from Iowa [Mr. KENYON] was occupying the floor in debate. The Senator from Louisiana [Mr. RANSDELL] asked to interrupt the Senator from Iowa. The Senator from Florida [Mr. BRYAN] objected, and made the point of order that the interruption could not be made without unanimous consent. The Chair sustained the point of order on the basis of a precedent in the Fifty-first Congress, second session, which is analogous to the case at issue.

In that instance a Senator occupying the floor in debate was interrupted by another Senator, and the Senator from Massachusetts, Mr. Hoar, made the point of order that that could not be done except by unanimous consent, and he objected.

The Vice President, Mr. Morton, after considerable discussion of the subject, sustained the point of order, on the theory that the right of a Senator to occupy the floor in debate is personal; that he can not parcel out his time or that right to other Senators of his own choosing; and that the Senate, if any other precedent were established, would lose the right to control its own proceedings.

Upon the basis of the precedent established by Vice President Morton in the Fifty-first Congress, the present Presiding Officer sustained the point of order made by the Senator from Florida. From that ruling the Senator from Utah [Mr. SMOOT] appealed. Thereupon the Senator from Florida moved to lay the appeal on the table. The question is, therefore, on the motion of the Senator from Florida to lay the appeal on the table, on which the yeas and nays have been ordered. Those in favor of laying the appeal on the table will vote "yea"; those opposed will vote "nay."

Mr. REED. Mr. President, a matter of parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. I presume the motion to lay on the table cuts off debate?

The PRESIDING OFFICER. It does.

Mr. REED. That is its purpose. Of course the question is not debatable——

The PRESIDING OFFICER. It is not debatable.

Mr. REED. But I shall certainly vote against the inauguration of any new system of gag rule.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting.

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Arizona [Mr. SMITH] and vote "yea." I ask that this announcement concerning my pair and its transfer stand for the day.

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I transfer the general pair which I have with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. JOHNSON. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I will transfer that pair to the senior Senator from Indiana [Mr. SHIVELY] and vote. I vote "yea."

Mr. GORE. I desire to announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] and therefore withhold my vote. If at liberty to vote, I should vote "yea." I desire, however, to be counted as present.

Mr. GALLINGER (after voting in the negative). I have voted, but I now observe that the junior Senator from New York [Mr. O'GORMAN], with whom I have a pair, is absent. I transfer my pair to the Senator from Illinois [Mr. SHERMAN] and will allow my vote to stand.

I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. JAMES (after having voted in the affirmative). I desire to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. JAMES. I have a pair with that Senator, and, therefore, withdraw my vote.

Mr. CHILTON (after having voted in the affirmative). I neglected to announce that I have a general pair with the Senator from New Mexico [Mr. FALL], but under the terms of the pair I have a right to vote and I will let my vote stand.

The Secretary recapitulated the vote.

Mr. KENYON. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. KENYON. My point of order is that the Chair has no right to vote to sustain his own ruling.

The PRESIDING OFFICER. The Chair voted inadvertently. The Chair would not wish to vote to sustain his own ruling, anyway. The Chair asks leave to withdraw his vote. The Chair hears no objection.

Mr. JAMES. I transfer the pair which I have with the Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote. I vote "yea."

The result was announced—yeas 28, nays 24, as follows:

YEAS—28.

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lewis | Simmons |
| Bankhead | Hughes | Martin, Va. | Smith, S. C. |
| Bryan | James | Martine, N. J. | Swanson |
| Camden | Johnson | Pittman | Thompson |
| Chamberlain | Kern | Ransdell | Thornton |
| Chilton | Lea, Tenn. | Sheppard | White |
| Culberson | Lee, Md. | Shields | Williams |

NAYS—24.

| | | | |
|---|---|---|---|
| Brady | Jones | Overman | Shafroth |
| Burton | Kenyon | Page | Smith, Mich. |
| Clapp | Lane | Perkins | Smoot |
| Crawford | McCumber | Poindexter | Sterling |
| du Pont | Nelson | Pomerene | Townsend |
| Gallinger | Norris | Reed | West |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Borah | Goff | O'Gorman | Smith, Md. |
| Brandegee | Gore | Oliver | Stephenson |
| Bristow | Gronna | Owen | Stone |
| Burleigh | Hitchcock | Penrose | Sutherland |
| Catron | Hollis | Robinson | Thomas |
| Clark, Wyo. | La Follette | Root | Tillman |
| Clarke, Ark. | Lippitt | Saulsbury | Vardaman |
| Colt | Lodge | Sherman | Walsh |
| Cummins | McLean | Shively | Warren |
| Dillingham | Myers | Smith, Ariz. | Weeks |
| Fall | Newlands | Smith, Ga. | Works |

So Mr. BRYAN's motion to lay on the table the appeal from the decision of the Chair was agreed to.

Mr. GALLINGER. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GALLINGER. I was absent from the Chamber when the ruling was made, and I beg to request the Chair to state precisely what the question was.

The PRESIDING OFFICER. If there is no objection, the Chair will comply with the request of the Senator from New Hampshire. No objection is made.

The Senator from Iowa [Mr. KENYON] was occupying the floor in debate. The Senator from Louisiana [Mr. RANSDELL] asked leave to interrupt him. Objection was made by the Senator from Florida [Mr. BRYAN], who made the point of order that the Senator having the floor could not yield to another Senator except by unanimous consent, and that, if objection were made, he could not yield.

The Chair, upon the basis of a precedent—and there seems to be no precedent to the contrary—established by Mr. Vice President Morton, January 20, 1891, during the Fifty-first Congress, second session——

Mr. GALLINGER. During the debate on the force bill.

The PRESIDING OFFICER. During the debate on the force bill. The presiding officer, I repeat, sustained the point of order. From that ruling the Senator from Utah [Mr. SMOOT] appealed, and the Senator from Florida [Mr. BRYAN] moved to lay the appeal on the table. The Senate took the vote upon the motion of the Senator from Florida to lay the appeal on the table, and, as the Chair has just stated, the appeal was laid on the table.

Mr. GALLINGER. Mr. President, I ask unanimous consent to make a single observation.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. KENYON. I desire to inquire——

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. KENYON. I desire to inquire whether, in view of the proceedings which have taken place, I have lost the floor?

The PRESIDING OFFICER. The Senator from Iowa has the floor. The Senator from New Hampshire asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. GALLINGER. Mr. President, the observation I desire to make is that my recollection——

Mr. BRYAN. Mr. President——

Mr. GALLINGER. I have obtained unanimous consent, and I propose now to proceed.

Mr. BRYAN. I do not propose to object; I desire to make one suggestion to the Chair.

Mr. REED. I raise the point of order that that can not be done without unanimous consent.

The PRESIDING OFFICER. The Senator from New Hampshire, having refused to be interrupted, will proceed.

Mr. GALLINGER. The observation, Mr. President, I was about to make—and I shall avail myself of that privilege, having secured unanimous consent to do so—is that, as I recall the precedent that was invoked by the Presiding Officer, the point made was that a Senator could not yield to another Senator to make a speech or to parcel out the time of the session to other Senators. A careful examination of that precedent, which I quote from memory, will develop that fact. I also call attention to Rule XIX, clause 2, which says:

No Senator shall interrupt another Senator without his consent, and to obtain such consent he shall first address the Chair.

Mr. President, here is the formula laid down in the Book of Precedents governing interruptions in debate:

7. Interruptions in Debate.

A SENATOR. Mr. President, may I interrupt the Senator to ask a question?

The PRESIDING OFFICER. Does the Senator from ——— yield for a question, or consent to be interrupted for a question?

The SENATOR. I have no objection.

Another form:

A SENATOR. Mr. President, I desire the consent of the Senator from ——— to make a statement, or to ask a question.

The PRESIDING OFFICER. Does the Senator from ——— yield to the Senator from ———?

The SENATOR. I do.

Mr. President, that is the formula which has been followed here for 23 years, to my recollection, and I think no unusual progress will be made in the consideration of this bill if revolutionary rulings are to be made.

The PRESIDING OFFICER. The Chair thinks that it is not improper to ask the indulgence of the Senate to reply briefly to the statement just made by the Senator from New Hampshire.

Mr. REED. Mr. President, I think the Chair will have to obtain unanimous consent, under the ruling of the Chair.

The PRESIDING OFFICER. Very well, the Chair will not ask unanimous consent. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, I am very glad that I have at least retained the floor. It is a most amazing thing that for the first time, as the Senator from New Hampshire [Mr. GALLINGER] states, in 23 years a gag rule is to be applied to the Senate to pass a "pork-barrel" bill. If the Senators who have so nicely arranged this drama think that they will gain anything by that kind of performance, they will be very much mistaken. I was not delaying the Senate. I represent a constituency here that is just as much entitled to speak on the floor of the Senate as is the constituency interested in the creeks and rivers of North Carolina, Florida, and other States.

When the Senator from Louisiana arose and in a gentlemanly way asked me a question I little dreamed of the stage setting; I little dreamed that the Senator from Florida was prepared with his precedents to make the point. As soon as the point was made I observed that, with but little argument, there were plenty of authorities on the desk of the Presiding Officer.

I simply state the facts and let them go to the country. We have gone along here without adjournment, recesses having been taken from day to day. Let the country know why that has been done. Senators who expect to jam through this measure, in view of the fact that under the rules no man could speak more than twice on one day, thought they could, by a system of recesses, thereby continuing the legislative day until the end of the session, stop a Senator from making more than two speeches, and in that way expedite the passage of the pending measure.

When the absence of a quorum was suggested on yesterday and on the day before the Senator having charge of this bill objected to the calling of the roll, because he said no business had been transacted since the last roll call, although in both instances he was wrong. Let the country know that that is another part of the plan. Talking, of course, is not business, and so some of you think—not all, thank the Lord—that by that kind of a proceeding you can stop us from discussing this bill. I was going to finish my remarks, as I said, in a very few moments, but I will take my time now.

So we have a new precedent now established in the Senate in order to get out of the way a bill to appropriate $43,000,000 before a bill taxing the American people shall come over to the Senate, in order that the Senator who has charge of this bill on the floor and who will have charge of that may not be compelled to perform the legislative legerdemain of having to keep both of these bills going at the same time, one to tax the people and the other to take the money out of the Treasury of this country.

I am not going to object to this kind of a proposition. The country has become aroused over the river and harbor bill; the people do not propose that the money that is wrung from them by taxation shall go into dry creeks and waterless rivers without a protest on their part. The gentlemen who have arranged so beautifully this performance are hearing from the country, and they will hear more, and that is why they are so anxious to stop the discussion of this bill.

Mr. President, I have said before—I would be justified in changing my statement now, although I am not going to do so—that I would not filibuster against this bill, but I say to those who are interested in the item for the lower Mississippi River that if they are going to unite in efforts to prevent fair discussion of this bill, and it eventually fails, their constituency can charge it not up to us but to the unfair methods and unfair tactics resorted to on behalf of waterless creeks which have stood in the way of the Mississippi River appropriations.

Mr. President, with those few observations I shall pass to where I was before this drama was enacted. I hope the country will simply look this drama over, and ask themselves why, when the habit has existed among the gentlemen of the Senate, bound by a high sense of honor, that one Senator could ask another a question, for 24 years no such rule has ever been invoked as has been invoked to-day.

I was discussing the question of a subsidy, that the voting of large sums to improve rivers and harbors where the railroads owned the entire water front was nothing more nor less than a subsidy to the railroads. I had quoted on this subject the distinguished Senator from Oklahoma [Mr. OWEN]. I desire now to quote the distinguished Senator from Kentucky [Mr. JAMES]. These debates were at the time of the Panama Canal tolls discussion. He is always interesting in debate, and he says:

If I were in favor of a subsidy of any character, I should give it to that ship and to those engaged in the merchant marine that operate in competition with the world, extend our trade, and find a market for our labor, instead of giving it to a monopoly that did neither, and that was absolutely, by reason of the law, protected against competition.

He says:

Mr. President, what was the rock upon which we built our hope and our faith in the battle of 1912? For almost 20 years we had been out of power. Our Republican brethren had controlled both branches of Congress and the Presidency. For the first time in that length of time we had been trusted by the American people with control of the great House of Representatives, and we built our hopes for success upon the rock of accomplishment and the acts of the House of Representatives in that Congress.

After a little he says:

Three of the best-known tenets of my party which I have been taught are a tariff for revenue only, taxation of the fortunes of the rich, and opposition to subsidy.

The eminent gentleman from Kentucky says:

I am not wandering upon strange ground when I declare that my party has always opposed a subsidy. I have a record of its platforms in the past. The very shibboleth of it, "Equal rights to all and special privileges to none," is enough, if no more.

* * * * * * *

Let us see, however, what the party has said before.
In our platform of 1900 what did we say? Here it is:

"We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threatened the perpetuation of the oppressive war levies. We oppose the accumulation of a surplus to be squandered in such barefaced frauds upon the taxpayers as the shipping subsidy."

Again, the distinguished Senator says:

The Democratic platform of 1904 uses this language:
"We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes, and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea."

* * * * * * * *

In 1908, in the Democratic platform, we used this language:
"We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury."
So our party in 1900, in 1904, and in 1908 has declared against subsidies of every character.

And yet in this bill, which there is such an urgency to pass, you are voting millions of dollars that are nothing but subsidies.

But—

He says—

it is the old cry over again. When they first came to the United States Congress and asked us to give them the right of subsidy, to take the people's money, the taxpayers' money from their Treasury and give it to a favored few, generally, as in this case, a monopoly, they called it then a subsidy.

* * * * * * *

Why, Senators, if it were proposed that we should give to every laborer in this country who did not make as much as $2 per day a subsidy that would make up the additional amount required in order to meet the $2 wage, Senators would call that socialism, and they would be right; but you are doing the very same thing.

* * * * * * *

Oh, but some of our friends tell me that the reason they are in favor of this exemption is because it will lower transportation rates.

And this is applicable on another branch of the case which I wish to present fully to the gentlemen who have voted for the gag rule and have now left the Chamber.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

Mr. SHEPPARD. Mr. President, I make the point of order that the point is out of order, no business having been transacted since the last roll call.

Mr. KENYON. I suggest to the Chair that there has been a vote.

Mr. SHEPPARD. I withdraw the point. I did not realize that.

Mr. KENYON. Does the Senator make the point of order that the Senator from Michigan had no right to call for a quorum?

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Chair was about to observe that there had been a vote.

Mr. SHEPPARD. I withdraw the point. I was under the impression that a quorum had been called for since then.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | James | Pomerene | Swanson |
| Bankhead | Johnson | Ransdell | Thomas |
| Bryan | Kenyon | Reed | Thompson |
| Burton | Kern | Robinson | Thornton |
| Camden | Lea, Tenn. | Shafroth | Vardaman |
| Chamberlain | Lee, Md. | Sheppard | Walsh |
| Culberson | Martine, N. J. | Shields | West |
| du Pont | Myers | Simmons | White |
| Fletcher | Overman | Smith, Md. | Williams |
| Gallinger | Page | Smith, S. C. | |
| Gore | Perkins | Smoot | |
| Hughes | Pittman | Sterling | |

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators.

Mr. MARTIN of Virginia, Mr. BRANDEGEE, Mr. BRADY, and Mr. LANE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. KENYON. At the time of the interruption I was calling attention to the remarks of the Senator from Kentucky [Mr. JAMES] on the subject of subsidies, and had nearly concluded—that is, I had nearly concluded reference to his remarks. This is apropos also on the question of the continuous cry that the opposition to river and harbor improvement is led by the railroads. He said:

Some of our friends tell me that the reason they are in favor of this exemption is because it will lower transportation rates. Yes! I never did see an advocate of a subsidy come up and meet the issue fairly and squarely. They always have some deceptive cry. It is always not for themselves—oh no—but for the dear people. "Just let us ram our

hands into the Public Treasury and take the money out, and then we will give it back to the people in an indirect way."

That is the proposition, just as a distinguished Senator, who rushed in here long enough to vote for the gag rule, remarked some days ago:

You might as well lay down. We are going to get it anyhow.

He said:

As the people already have the money, I would rather rely upon keeping it by holding it in the Treasury, rather than to hand it to them upon the theory that they will give it back to us again by a reduction of freight rates. One thing of which we can be certain, the monopoly in any event will not give us more back than they took from us, so we in any event have nothing to gain.

As to the beneficent Shipping Trust, that controls the shipping along the coast, and for which you are voting great sums of money through the harbors, hurrying up to vote it before the bill gets over here to tax the American people for it, he uses some language that might be profitably considered by you. He says:

Yes; this beneficent Shipping Trust that is so patriotic now, clad in the habiliments of Uncle Sam and waving his red, white, and blue colors, whenever it gets the subsidy—

A most entertaining sound, delightful to contemplate.

The distinguished Senator from West Virginia [Mr. CHILTON] said what I am about to read in reference to this subsidy—and if this is not a subsidy, I should like to have him explain what it is. When we undertake to improve a harbor, where the people have not a right to step a single foot on the land without the consent of some railroad that owns it all, would it not be common, ordinary horse sense to say that the railroad ought to pay some part of it? And if Senators do not require the railroad to pay some part of it, they are voting a subsidy to the railroad. That is the point I am trying to make, and that that subsidy is against Democratic platforms and Democratic speeches and against the notions of a good many of us who are not Democrats.

In its platforms—

He says (Senator CHILTON)—

from the stump, and in the votes of its members in both branches of Congress the party has adopted the policy of opposition to subsidies. Those who have discussed this position from a standpoint antagonistic to mine have taken some trouble to define the meaning of the word "subsidy." I find that Webster's Dictionary describes a "subsidy" to mean—

"A grant from the Government or from a municipal corporation, or the like, to assist and promote an enterprise deemed advantageous to the public; a subvention."

I find that a "subdivision" means "a Government aid or bounty."

That is exactly what this is.

The most prominent illustration from which the meaning of the Democratic Party's hostility to subsidies may be obtained is, strange to say, what is known as ship subsidies, the very subject with which we are dealing at this time. The principle upon which the Democratic Party opposes subsidies is that it is the taking of the money of all the people and giving it to a few; that the shipping business is, after all, but the business of a common carrier. * * * But I have been unable to see why a grant of land or money to a railroad is not the same thing as a grant of money to ships.

* * * * * * *

If the principle of subsidy is right—that is, if it be best for this Government to pay money out of its Treasury belonging to all the people for the purpose of encouraging a coastwise trade—then it is also a good thing to pay money out of the Treasury to encourage the seagoing trade. If we mean to be for subsidies, we ought to do it directly and in the open.

And so, in this bill, there ought to be an amendment to every harbor appropriation section where it appears that that harbor is controlled entirely by the railroads.

I want to refer to one more Senator on this subject. That is the other distinguished Senator from Oklahoma [Mr. GORE]. He referred very briefly to this subject in the same debate, as follows:

Mr. President, that the remission of tolls is equivalent to a subsidy has not, indeed, been controverted. To ask that question is to answer it. No one would deny that if the Government should first collect tolls and then return them to the shipowners that would constitute a subsidy. The character of the transaction is not changed by the circumstance that the shipowners are allowed to retain the tolls in the first instance. The effect upon the General Treasury is the same. The effect upon the private treasury of the shipping concerns is the same. In both instances the shipowners receive and enjoy the money, and the people are taxed to supply the deficiency thus occasioned. That, sir, involves every element of subsidy.

I shall take up the report of the Commissioner of Corporations on transportation by water covering this question. The New Orleans Item, published in the State of the distinguished Senator who tried to ask me a question about this matter and could not do so without unanimous consent—and objection was made for the first time in 24 years—says on this question of subsidy—and the editor of this paper is one of the most able editors in this country and one of the most fearless men in this country. I have enjoyed a personal acquaintance with him for, lo, these many years. He has a very interesting suggestion as to subsidy, and while it is written with reference to free tolls, it bears somewhat upon the bill in question.

Wild is the clamor of those who, seeking a peg whereon to hang their conversational defense of vole face to the side of "free-tolls repeal," denounce the horrific quality of the "subsidy" to the coastwise shipping contained in a "free tolls" provision.

"Each ton of shipping," they solemnly aver, "should pay its just share of maintenance, cost of construction, and general supervision."

"Furthermore," they clamor, "the beneficiaries of this damnable subsidy will be the owners of ships, and these shipowners are monopolists, or, if they are not monopolists, are probably kin to a railroad stockholder."

Then they froth at the mouth.

Let us stop and consider a moment.

We have in Louisiana a river termed "the Red." Upon the aforesaid Red Uncle Samuel has spent much money. Frankly, the purpose of spending the money is to enable steamboats to continue to use the river in competition with the railroads. In other words, a purpose just like that which led to cutting the Panama Canal.

The Federal Government has spent on the Red River in comparatively recent years the neat sum of $3,000,000; and in 1911 or 1912—we have forgotten which—the Red River bore the magnificent commerce of 68 tons.

I should think in appropriations for that river you would want to invoke a gag rule.

This tonnage paid no tolls. If it had paid tolls, to meet it each ton's proportionate part of the interest charge alone on the money spent on the Red—

The money there was put on the Red—

each ton must have borne a charge of $2,000.

That is a paper from the State of the distinguished Senator who wanted to ask a question and was not permitted to do so. The question may have been about the Red River.

Yet the Panama Canal is just as much a part of the domestic waterway system of the United States as is the Red River.

The money spent on the Red River is justified, because the mere existence of the river as a waterway has held down freight charges in the Red River Valley to a sum well worth the expenditure of $3,000,000 to win.

Yet, according to the philosophy of the opponents of "free tolls," the carriers of the 68 tons of freight on the Red River got a "subsidy" of $2,000 per ton—

Which figures, I think, are too small, but, in any event, the tonnage would be less than 1,000 tons, except floating logs. But, according to this editor, as he had figured it out—

the people were mulcted of $120,000 interest charges, without return—

And was a subsidy of a couple thousand dollars a ton. That is too much. But will not the American people who have witnessed the performance of the afternoon look into the Red River a little and the appropriations that Congress is making for it? which example—

He says—

properly reduces to absurdity the "subsidy" plea, for if that plea is to be ground for establishment of the rule that all waterway improvement must be paid for by the tonnage resultant, then must waterway improvement by the United States be abandoned on every river and every canal in the United States, for on none does tonnage pay tolls, and on none could tonnage pay tolls.

Recompense has come to the American people by lowered freight rates by rail as well as by the actual use of the waterways.

Mr. President, I desire to peruse what I had not intended to take up at this time, but under the circumstances I think I will do so. There does not seem to be much else occupying the attention of the Senate. It is the report of the Commissioner of Corporations on transportation by water in the United States, showing the very important fact that these great harbors are controlled as to landings and terminals by the railroad companies. I read it for the purpose of substantiating the point I have been trying to make that this bill—I hardly believe my friend from Ohio agrees with me on the point of subsidy I am making, but, of course, in his own time—and I will be glad to hear him—I hope he will elucidate somewhat on the proposition.

In the letter of transmission by the Commissioner of Corporations to the Department of Commerce and Labor, submitting part 3 of the report on "Transportation by water in the United States," many interesting things are said. Says Mr. Herbert Knox Smith:

Our harbor organization, as a rule, is faulty. A harbor has two prime features—"commercial" and "industrial." The commercial function deals chiefly with "through" freight, with the transshipment between rail and water lines, or between water lines, of freight not destined to or originating at the harbor itself. The industrial function, on the other hand, deals with local freight. It affords rail-water connection and wharf storage for local industries and distributing houses. It affects local interests far more deeply than the mere passage of through traffic. The commercial use of our water front often interferes seriously with its industrial use. Great railroad terminals, largely used for through freight, extend along our most active frontage, crowding out its use by the local industries. In general good harbor organization would place the through-freight terminals at relatively outlying parts of the harbor, leaving the central portion more free for local business. Many harbors could do this with much local benefit, especially the important lake ports, with their inner—river—harbors and their outer lake frontage protected by breakwaters, an almost ideal conformation.

I observe there are now nine Senators in the Chamber—the Senator from Missouri [Mr. REED], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Ohio [Mr. BURTON], the Senator from Vermont [Mr. PAGE], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Texas [Mr. SHEPPARD], the Senator from Colorado [Mr. THOMAS], and the Senator from Ohio [Mr. POMERENE], who is in the chair. Of course I do not care anything about that myself at all. The gentlemen who have gone out, I suppose, are under the impression that by the vote they have cast they have gagged us, to some extent, in this discussion, and what I have to say here I am not saying to the few Senators who are in the Chamber, though since that time the Senator from Montana [Mr. WALSH] has come in, and the Senator from Maryland [Mr. LEE] and the Senator from Tennessee [Mr. LEA]. We are presenting our case now to a jury of the American people, who believe in fair play. I am glad to see that the old commoner from Minnesota [Mr. CLAPP] has come in. He is seldom absent.

Private interests control nearly all of our active water frontage. Public control exists in considerable degree only at New Orleans, San Francisco, Baltimore, and New York, and is greatly modified at New York by exclusive private leases for long terms. Out of 50 of our foremost ports, only 2—New Orleans and San Francisco—have practically complete public ownership and control of their active water frontage; 8 have a small degree of control, and 40 none at all. Out of 37 ports for which data are available, excluding New Orleans and San Francisco, only 14 have any publicly owned wharves—about 260 such wharves in all, many privately controlled under long leases. Out of 25 ports with available data, excluding New Orleans and San Francisco, only 10 have wharves "open" to general traffic, with a total of only 49 such wharves, the majority insignificant and antiquated. Out of 46 such ports, excluding the same two cities, a majority of the active frontage is privately owned in 40 and in 6 a small amount is so owned. Out of the 50 foremost ports above mentioned, there are 21 in which railroad ownership and occupancy covers over 50 per cent of the active frontage, and 12 more between 25 and 50 per cent. It is our theory that the waterways are public highways. In fact, their essential terminals are largely under private control.

He says further:

At 4 of the most important lake ports there is a total front of about 12 miles protected by breakwaters. On this entire 12 miles there are only about 10 active wharves, nearly all under railroad control. Of this frontage, railroads own about 7 miles, other private parties about 3, and the cities about 2.

Omitting a large part of this letter of transmittal, I am anxious to place in the RECORD one or two further suggestions which are made:

Terminal charges are a considerable factor in water traffic, especially "dockage," a charge on the vessel, and "wharfage," a charge on the freight passing over the wharf. Particularly on the Mississippi system excessive landing charges have hindered traffic.

Such high landing charges, together with the absence of adequate terminals, show forcibly the extreme lack of cooperation between the localities and the Federal Government. The Government's enormous expenditures on channels are in many cases largely neutralized by the action or nonaction of the local authorities on terminals. There has been, indeed, some excellent local cooperation in channel work, as at Portland, Oreg., Seattle, Cleveland, and Buffalo, but the far greater need is for local cooperation in terminals. Localities should, as a rule, be required to furnish and keep open adequate terminals as a condition precedent to channel improvement by the Federal Government. It is their fair share of the work, and they alone can do it effectively.

In this bill there are some provisions—not many of them—providing that the local community shall contribute some part of the expense or shall provide public docks for the benefit of all the people. That is a reform that ought to be brought about in river and harbor legislation. So he concludes by saying:

There are thus five salient facts: First, that terminals are as important as channels; second, that our harbors have not fully developed their terminal frontage, nor are they properly organized or controlled; third, that railroads largely control water terminals, often to the disadvantage of general water traffic; fourth, that there is almost no linking up of the rail and general water systems at the water's edge, but, rather, the opposite tendency; fifth, that there is little cooperation by localities with the Federal Government, which improves their channels.

That is one of the things, Mr. President, that I have been insisting upon as to the bill I have prepared, and I shall introduce amendments with relation to this bill so that the great bounty of the Government as to harbors shall not become a mere subsidy to the railroad companies.

Probably no one besides the distinguished Senator from Ohio has given more thought to that subject than the former Commissioner of Corporations, Mr. Herbert Knox Smith. So it is not a waste to listen in the spirit of patience which the Senate manifests in listening to what he has to say. He says our public highways and the terminals ought to be just as much public—or at least there ought to be some opportunity for the public to have some rights as to a terminal without asking the railroad company.

For example—

He says—

this part shows that a surprisingly large proportion of the most available water frontage and terminals is controlled by railroads. It is only proper to add, however, that in order to serve the proper needs of transportation railroads must have the continued use of a certain amount of water terminals; also, that much of the railroad-owned water frontage is merely rights of way, and not in any sense active terminal property.

And that is undoubtedly true.

In the city of New York this question has been met to some extent by the city acquiring important docks of its water front, particularly on Manhattan Island.

In 1905 the city owned some 207 piers in New York. That made it possible to have a proper relationship between railroad transportation and water transportation. So there can not be on the question I am raising as to subsidy fairly included the harbor of New York.

Boston Harbor, as the bill originally came here, had an appropriation of $400,000, but being far from North Carolina, that appropriation seems to have vanished in the revision of the bill.

Of course the appropriations for the North, as the Delaware River and Boston Harbor, naturally might be cut, because this work, we have been informed, can not be done in the wintertime in any event, while on certain creeks work can be done all the year round.

Speaking of Boston Harbor, Mr. Herbert Knox Smith says in this report:

While there is some rail and water coordination, it is by no means complete. It merely connects the trunk rail lines with each other and with their water terminals, and serves very slightly the local industries. It is represented mainly by the so-called Union Freight Railroad, controlled by the New York, New Haven & Hartford Railroad Co., connecting also with all the other railroad systems there, but running along only a small fraction of the water front.

* * * * * * *

The ownership of the Boston water front is chiefly private, consisting of a large area of railroad holdings, about eight important wharf companies, and much industrial frontage. The city owns a few scattered and unimportant wharves, but most of its frontage is used for park, municipal, and ferry purposes. The State has an undeveloped tract, known as the "Commonwealth Flats," with large possibilities for terminal use. Most of the trans-Atlantic lines use railroad piers. Coastwise steamships usually lease their piers.

The situation at Philadelphia—and I do not know just how much this bill carries in that regard—I think the appropriation was cut down for Delaware River——

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. We have now a rule——

Mr. SHEPPARD. I object.

Mr. CLAPP. I should like to inquire the date of that report.

The PRESIDING OFFICER. The Senator from Texas objects. The Senator from Minnesota has inquired as to the date of the report.

Mr. CLAPP. Then I ask unanimous consent. The Senator from Iowa is reading a report, and it is a very important matter. I think I could have added something——

Mr. SHEPPARD. I object to any interruption.

Mr. GALLINGER. Mr. President, I rise to a question of order. Rule XIX, clause 1, provides that:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

If we are to overthrow that rule, where will we end?

Mr. POINDEXTER. Mr. President, I should like to make a further point of order.

The PRESIDING OFFICER. The present occupant of the chair indicated by his vote on this question what is his view upon it. A ruling was made by the Senate which is contrary to the practice which has prevailed here ever since the present occupant was a Member of this body. Under the circumstances the Chair feels disposed to submit this question to the Senate for its decision.

Mr. GALLINGER. Mr. President, I suppose that is reasonably debatable.

The PRESIDING OFFICER. It is debatable.

Mr. SIMMONS. What is the question?

Mr. GALLINGER. I desire to occupy the attention of the Senate just a moment. Rule XIX, clause 1, as I have already quoted, says in explicit terms:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

Mr. SMITH of Michigan. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SIMMONS. Mr. President, I rise to a point of order.

Mr. KENYON. The roll call has started and can not be interrupted.

The PRESIDING OFFICER. The Secretary will proceed with the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. SIMMONS. I certainly can state my point of order.

Mr. SMITH of Michigan. Not now.

Mr. SIMMONS. I ask for a ruling of the Chair. I have a right to state my point of order. I ask permission to state my point of order.

Mr. SMITH of Michigan. Regular order!

The PRESIDING OFFICER. The Secretary will proceed with the calling of the roll.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Nelson | Simmons |
| Brady | Gore | Overman | Smith, Mich. |
| Brandegee | Hughes | Page | Stone |
| Bryan | James | Perkins | Thomas |
| Burton | Kenyon | Pittman | Thompson |
| Camden | Kern | Poindexter | Thornton |
| Chamberlain | Lane | Pomerene | Vardaman |
| Chilton | Lea, Tenn. | Ransdell | Walsh |
| Clapp | Lee, Md. | Reed | West |
| Culberson | Lewis | Shafroth | White |
| du Pont | Martin, Va. | Sheppard | Williams |
| Fletcher | Myers | Shields | |

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. MARTINE of New Jersey and Mr. ROBINSON responded to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

Mr. CLAPP. I think it already appears in the RECORD, but I desire to renew the announcement that the senior Senator from Kansas [Mr. BRISTOW] is detained from the Senate by illness. I will let this statement stand for the day.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. GALLINGER. Mr. President, I was unavoidably absent from the Chamber when this question arose in the first place, and on my return was astounded to learn that the ruling which has been more or less discussed had been made. I have been here 23 years and over and the rule invoked to-day has never been suggested during that time. It would have been a matter of the utmost surprise to every Member of this body, whether he is here now or not, had such an effort been made.

We have been proceeding under the rules of the Senate, Mr. President, and Rule XIX, clause 1, which is taken from Jefferson's Manual, has been recognized as a binding rule upon this body. I have already quoted the rule, which is couched in these words:

> No Senator shall interrupt another Senator in debate without his consent—

"Without his consent," Mr. President; not the consent of the Senate—

> and to obtain such consent he shall first address the presiding officer.

Mr. President, it has been attempted this morning, by a ruling which I regard as revolutionary and unjust, to change that rule of the Senate, and I submit that that rule can not be changed except by a notice being filed with the Senate that a Senator proposes to offer an amendment to the rule, which shall lie over for one day.

A moment ago I called attention to the formula under which we have been operating in this body. A Senator rises and asks—

> Mr. President, may I interrupt the Senator to ask a question?
> The PRESIDING OFFICER. Does the Senator from ——— yield for a question or consent to be interrupted for a question?
> The SENATOR. I have no objection.

Again—

> A SENATOR. Mr. President, I desire the consent of the Senator from ——— to make a statement or to ask a question.
> The PRESIDING OFFICER. Does the Senator from ——— yield to the Senator from ———?
> The SENATOR. I do.

Or, negatively—

> I do not.

That has been the formula, Mr. President, ever since I have been a Member of this body, and I presume antedating that period.

As I understand the matter, the ruling of the Presiding Officer to-day was based upon a decision of the then Vice President of the United States, in the year 1891, when the force bill was under consideration. It will be remembered that the controversy that raged over that bill was fierce—it was before my advent in this body—and it would not be remarkable if some rather arbitrary rulings had been made during that discussion; but, Mr. President, an examination of the RECORD does not sustain the contention that the Chair on that occasion ruled that a Senator could not be interrupted. A Senator held the floor during that memorable debate and proposed to parcel out the time of the Senate to other Senators; something that we all agree can not be done and ought not to be done, and it has been decided over and over again that it could not be done. A point of order was made that the Senator could not do that. A lengthy debate occurred, which I shall not take the time of the Senate to read, but I will read from the decision of the Chair, which clearly does not sustain the ruling which has been made to-day:

The Vice President said:

> The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.

Mark the word "indefinitely." That means that he could not yield to let other Senators make speeches and then resume the floor. The Vice President went on to say, further—

> He might transfer it for a question—

That is, the Senator holding the floor—

> He might transfer it for a question or by courtesy of the Senate or by unanimous consent—

Three alternatives—for a question, by courtesy of the Senate, or by unanimous consent—

> but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another.

Mr. President, that was the decision that was rendered during those heated times, when it was sought to curtail the debate as much as possible, but the Vice President did not go beyond the fact of saying that a Senator had the right to yield the floor in his own right or by courtesy of the Senate for a question, but that he could not parcel out the time to other Senators who might occupy the entire session, or, for that matter, occupy the entire time of the Senate until adjournment. On that memorable occasion the Democratic side of the Chamber contended against the proposition that a Senator could not be interrupted, while to-day they take the opposite view.

Mr. President, it is regrettable to me that this controversy has arisen. We have got along pretty well heretofore; we shall get along well in the future if we observe our rules and do not undertake to force the final consideration of measures by a construction of the rules that is not warranted either by the terms of the rules themselves or by any precedent that can be found in the history of this legislative body.

I think I shall again read the rule, because, after all, that is what should govern:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

Mr. President, I base my contention against the soundness of the decision made by the Chair, in good faith no doubt, upon that rule, upon the formula of the Senate which I have read, and also upon the decision also made more than a quarter of a century ago, which, as I understand, was cited to sustain the ruling that was made by the then occupant of the chair. That ruling ought not to be allowed to stand.

Mr. BRYAN. Mr. President, the circumstances under which I raised the point of order, which was ruled on by the Chair—and upon appeal the ruling was sustained by the Senate—and which it seems strange should again be submitted to the Senate within a few short minutes after the Senate has registered its decision, arose while the Senator from Iowa [Mr. KENYON] had the floor. I think it is well to state the circumstances under which the ruling was made.

The Senator from Iowa, who has occupied the floor for perhaps three days and is now in his fourth day, was discussing the question of whether it would be proper for railroad companies to assist in the improvement of harbors. He directed an invitation to the Senator from Louisiana [Mr. RANSDELL] who sat near him. The Senator from Louisiana, as if yielding to an invitation to relieve the Senator from Iowa, arose and asked if the Senator from Iowa would yield. The Senator from Iowa said he would yield. Then I made an objection to his yielding and raised the point of order upon that objection that a Senator could not yield the floor without the consent of the Senate and without the consent of any individual Senator if objection were made, and I made the objection at the same time I raised the point of order. The Chair sustained the point of order, upon the authority of a ruling made by Vice President Morton in 1891 during a filibuster on the so-called force bill. Rule XIX says:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

But, Mr. President, I do not interpret that language to mean that a Senator who gets the floor can control it indefinitely. If so, what rights, then, has the Senator addressing the Senate over other Senators? Unquestionably he has the right to decline to yield. He alone determines that; no other Senator can determine whether he should yield; not even all the Senate, except himself, can force him to yield.

Now, the converse of that proposition is sought to be sustained by a curious method of reasoning; that is, that a Senator who has the floor may occupy it himself or may parcel it out to any other Senator whom he selects——

Mr. GALLINGER. Mr. President, I distinctly stated that we all agreed that that could not be done.

Mr. BRYAN. I understood the Senator to say that, but the Senator can not point to anything in the rules forbidding that from being done any more than he can point to anything in the rules permitting a Senator to yield the floor indefinitely.

Mr. President, what rights has the Senator occupying the floor? He has a right to address the Senate, and when he has finished with his remarks to take his seat and let some other Senator have the same right or let the Senate proceed to act upon the question pending. He has no right superior to the right of any other Senator. The rule of the Senate which gives him the right to obtain the recognition of the Chair gives it to him for a purpose. That purpose is to address the Senate, and the Senator may not be interrupted except by his consent; he may hold the floor until he has finished whatever he may have to say, but if, on the contrary, he may select the Senators whom he will allow to interrupt him he may have one side of a question only presented to the Senate for days and weeks and months, nay, even for a whole congressional session, and under a simple rule that permits him to get the floor by reason of the fact that he first addressed the Chair.

I undertake to say that that is not a fair interpretation of this rule. It is not meant by anything in the rules of the Senate or in Jefferson's Manual, which has the force of the rules of the Senate, to allow a Senator, either singly or in combination with other Senators, to have any such power over the deliberations of this body.

The Senator from New Hampshire says that manifestly if a Senator should yield for some other Senator to make a speech, that would be out of order and any Senator could stop him. Under what rule? How does the Senator arrive at that conclusion? If you say that a Senator who gets the floor may keep it indefinitely, then you must yield to him the right to decide what he will do with the time of the Senate.

No, Mr. President, the rule does not say that. But if we bear in mind that the only purpose for which a Senator can legitimately obtain the floor is to address the Senate, then we are upon safe ground and can easily arrive at the conclusion that the discretion does not rest with him to select from a number of Senators those whom he will allow the privilege of addressing the Senate.

What has been the situation here since Monday, when the Senator from Iowa took the floor? It has been the usual situation that exists when a filibuster is on. The Senator from Iowa a number of times has said—he said it just immediately before I raised the point of order—that if he had been allowed to proceed he would have finished his remarks in five hours and during the day upon which he first addressed the Senate. Yet, Mr. President, we are in the fourth day, and the end is not yet in sight. The Senator from Iowa attributed that to interruptions, and I thought I was conferring a favor upon the Senator from Iowa, when I realized he was getting tired, as he must necessarily be——

Mr. KENYON. The Senator is mistaken about that. I was not tired.

Mr. BRYAN. Perhaps the Senator was not——

Mr. CHILTON. Perhaps the Senate was.

Mr. BRYAN. I will not undertake to discuss the condition of the Senate, but the Senator had made that statement repeatedly. An examination of the CONGRESSIONAL RECORD for the last three days will show a condition that can not exist under the rules of the Senate if the Senate lives up to its rules. That condition is this, that while the Senator from Iowa was occupying the floor more than half of the RECORD is taken up by the speeches of other Senators, and—we might just as well be frank about it—it was for the purpose of resting the Senator from Iowa.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield.

Mr. KENYON. Over half an hour yesterday was taken up by the chairman of the committee, and certainly he did not consume that time to rest the Senator from Iowa.

Mr. WILLIAMS. It had that effect.

Mr. KENYON. The Senator from Florida, I think, is mistaken in his statement.

Mr. BRYAN. Well, I know the Senator from North Carolina interrupted the Senator from Iowa and I interrupted him myself; it is a habit we have fallen into here; it is a bad habit, and it is a habit that any Senator, under the rules, can check at any time he sees fit to do so.

Of course the Senate is made up of reasonable men. The right of a Senator to stop a filibuster, to stop constant interruptions, will not be exercised except when the necessity exists. In the ordinary procedure of the Senate and for the purposes of information, for legitimate purposes, the Senator having the floor may yield to another Senator, and no Senator here would invoke the rule which he has a right to invoke; but I am of the opinion that it is important to the Senate to enforce the rules it has, and, under the rules of the Senate now, if understood by Senators, respected by Senators, and enforced by Senators, there would be less talk of a cloture rule.

A Senator can speak twice upon the same subject on the same day. A Senator may not take the floor under the rules and farm it out and punish other Senators by making them remain here; but as surely as we live, unless we hark back to the rules and enforce them, men are not going to stand the sort of punishment which has been inflicted upon the Members of this body in recent years and months. It will be inevitable that you will overthrow these rules, and then what? Then you will have a majority of one party or the other, whichever happens to be in power, parceling out the time that a Senator may have in his own right. A Senator of a sovereign State will have to go through the humiliation of appealing to the Vice President or the presiding officer for time enough to present matters of grave concern to him and to his people.

Sir, I stand for the rules of the Senate as they have been written. There is in the hands of Senators now when a situation like this arises, when it is attempted by one Senator to get the floor and hold it for four days or longer, to farm it out to other Senators in sympathy with him in a filibuster on a great measure, to bring the rules of the Senate into contempt, to force upon this body a change of the rule. There is no necessity for a change; the demand is for the enforcement of the rules. And, if enforced, what does this rule, as construed, mean? It means that the Senator from Iowa will not have the opportunity to yield to the Senator from Ohio and go out and rest for an hour, while the Senator from Ohio, under that yielding, proceeds to address the Senate in the time of the Senator from Iowa. It means that he can not get upon the floor to deliver a five-hour speech and occupy the floor for four days.

Why, Mr. President, I noticed in the RECORD a day or two ago—the RECORD will show it—that after the Senator from Iowa had yielded to a Senator the Senator to whom he had yielded desired to call his attention to some matter or to ask him some question, and looking around found the Senator from Iowa was not in the Chamber; he had gone out. Under the contention raised now, upon which the Senate is asked to vote, we are asked to say that a Senator may address the Senate, turn the floor over to any other Senator he chooses, walk out, and stay an hour or two hours or however long the Senator to whom he yields may be physically able to address the Senate, and then walk back into the Chamber and take charge.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I do.

Mr. KENYON. I think the Senator ought to say, in fairness, that the Senator from Iowa lost the floor, although he only stepped into the anteroom for a short time.

Mr. BRYAN. Did not the Senator protest against the ruling which held that he lost the floor?

Mr. KENYON. I did.

Mr. BRYAN. Under the Senator's construction of this rule, he would not have lost the floor.

Mr. KENYON. I was out of the Chamber only for about two minutes.

Mr. BRYAN. The Senator under his construction would not have lost the floor. If he should turn it over now to the Senator from Ohio and absent himself from the Chamber for three hours, he could return and claim it again, and under a ruling contended for by some he would get it again.

Mr. KENYON. The Senator has the right to state his own conclusions, but he has no right to state mine. I lost the floor on that occasion, and I am satisfied now that the ruling was proper. If a Senator leaves the Chamber, as sometimes Senators have to do, he loses the floor. I am not contending that the Senator is not right in that respect, nor am I contending that a Senator can farm out the floor, but in the instance to

which the Senator from Florida has referred the Senator who interrupted me merely arose to ask a question. That is the distinction.

Mr. BRYAN. I realize that; but the Senator knows, and the RECORD shows, that four or five or six Senators have relieved him; otherwise even the Senator from Iowa, with all his strength, could not have occupied the floor for seven hours a day for four days.

Mr. President, the Senate a few minutes ago voted that such a privilege was not contemplated or authorized by the rules. Now, what is the situation? The Senator from Minnesota [Mr. CLAPP] rises to ask the Senator from Iowa a question. The Senator from Texas [Mr. SHEPPARD] asks for the enforcement of the rule to which the Senate a few minutes ago had given its sanction. The proposition is submitted to the Presiding Officer; and, with all due respect to the Presiding Officer, simply because he voted against the construction of the rule the Presiding Officer refuses to carry out the rule as construed by the Senate, and has it resubmitted to the Senate.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. I do.

Mr. REED. The question now before the Senate arose simply upon an objection to the right of a Senator to ask a question. Is not that correct?

Mr. BRYAN. That is my understanding.

Mr. REED. Does the Senator claim that the ruling which was made this afternoon by a vote of the Senate was upon the same kind of a proposition, or does he say that when the question was first raised there was an attempt to farm out time?

Mr. BRYAN. Mr. President, I am not clear, because I was unable to hear exactly what was said by the Senator from Louisiana and by the Senator from Iowa at the time the interruption occurred. My understanding of it is that the Senator from Iowa appealed to the judgment of the Senator from Louisiana on a question he was discussing, and rather invited his opinion upon it; whereupon the Senator from Louisiana asked him if he would yield for a statement. Then I raised the point of order. I understand that this question comes up on the Senator from Minnesota [Mr. CLAPP] asking permission to propound a question to the Senator from Iowa. The Senator from Iowa yielded, and the Senator from Texas objected.

Mr. KENYON. Mr. President, may I not——

Mr. BRYAN. I undertake to say that it does not make any difference whether the Senator having the floor wants to yield for a question or for a speech or for a statement. There could not be much value to a rule if that were the distinction, because there are Senators here who can ask hypothetical questions all day and never get through with them.

Mr. REED. Mr. President, will the Senator yield to me for a moment?

Mr. BRYAN. Just a moment. I apprehend that that would not be giving due consideration to the rights of other Senators; and yet, under the construction now sought to be placed upon this rule and upon the usages of the Senate, that would be permitted, whereas the Senator from New Hampshire says, without citing any authority for it, that if a statement is sought to be made any Senator can stop it. The rule is the same in both cases, and it is this, as stated by section 1 of Rule XIX:

A Senator gets the floor by rising and addressing the Chair. He can not be interrupted except by his consent. The rule does not say that any other Senator can, by withholding his consent, prevent the yielding. That is true. It is also true, however, that the rules of the Senate are not, in and of themselves, complete upon parliamentary law. It is well known, I take it, that Jefferson's Manual forms as much a part of the rules of the Senate as the rules themselves. It was written by Vice President Jefferson because, as he said, there were only a few rules of the Senate, and the government of the body was left outside of those rules to the presiding officer, and, while he did not object to the responsibility, he proposed to put in permanent form the rules which governed him. So they have come down to us, as written by him, as a part of the rules of the Senate, a part of the parliamentary law. They are a part of the rules which govern this body, and the usages of the Senate under those rules are as binding as the rules of the Senate.

Mr. KENYON. Mr. President, will not the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I do.

Mr. KENYON. It is just simply to clear up the facts. We can not reach any correct conclusion if we are not correct about the facts.

I directed an inquiry to the Senator from Florida. Does he remember that?

Mr. BRYAN. I remember that, and that I did not reply to the suggestion or the invitation of the Senator.

Mr. KENYON. I am not confident at this time whether or not I asked any question of the Senator from Louisiana. My impression is that I did not and that he rose. Now, I think it would be the proper thing, as long as we are unsettled about this, and I am not certain, that the Reporter should read those proceedings just as this time, in order to show the exact facts.

Mr. BRYAN. Well, Mr. President, that is immaterial. I do not care to stop for that right now. I do not think the Senator from Iowa was particular which Senator——

Mr. KENYON. Oh, that is true enough.

Mr. BRYAN (continuing). As to which Senator relieved him from his remarks.

Mr. KENYON. But I think my inquiry was directed to the Senator from Florida.

Mr. RANSDELL. Mr. President, will the Senator from Florida yield to me?

Mr. BRYAN. I yield.

Mr. RANSDELL. I did not understand that I was asked a question by the Senator from Iowa. He was discussing a matter in which I felt a very deep interest. I have made speeches on the terminal question a number of times, and I rose to ask him a question about the terminal situation. That was what was in my mind.

Mr. KENYON. I did not ask the Senator a question.

Mr. RANSDELL. I did not understand that the Senator was asking me a question.

Mr. BRYAN. I understand the RECORD shows that the Senator from Louisiana asked the Senator from Iowa to yield to him for a statement.

Mr. RANSDELL. Yes.

Mr. BRYAN. But I say, Mr. President, that it does not make any difference whether he was yielding for a statement or for a question.

Senators may refer to the point of order raised by Senator Hoar in the debate on the force bill in 1891. I think it is generally known that Senator Hoar was a great parliamentarian; that he helped to make a good many of the rules of this body; and in one sentence he stated the whole of this case. He said:

My point of order is that under the usages of the Senate one Senator has not a right to hold the floor and yield it to another except by unanimous consent.

Mr. LANE. Mr. President, I should like to ask the Senator if he has not violated the rule himself by allowing the Senator from Louisiana [Mr. RANSDELL] to interrupt him?

Mr. BRYAN. I do not yield to the Senator.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. BRYAN. I do not think I have violated any rule. Any Senator can yield by common consent.

Otherwise—

Mr. Hoar says—

a Senator might hold the floor for a session, and it has been settled again and again.

It is true that a reading of the RECORD will disclose that Senator George, of Mississippi, had the floor; that he yielded to Senator Butler, of South Carolina, who wanted to read from the election laws; that Senator Butler asked the Secretary to read the election laws; that then Senator Morgan, of Alabama, began to inquire if they had finished, so that he could take the floor and proceed, when it developed by a statement from the Chair that the Chair had promised to recognize Senator Aldrich next. Senator Morgan complained of that, and said he thought whoever got the floor first was entitled to it. Then the Vice President said:

The Senator from Mississippi will proceed.

The Senator from Mississippi said:

I will yield to the Senator from South Carolina.

So that he could read some more from these law books.

Then Mr. Butler, the Senator from South Carolina, said:

In order that the Senator from Alabama may not have the trouble of looking up this chapter, as I have it before me, I will read it.

Then Senator Hoar said:

I object to the Senator from Mississippi yielding to the Senator from South Carolina.

It is clear, from that, that he was to yield for him to read a statute, which, perhaps, would not have been as long as a question. So I say it does not make any difference whether a Senator yields for a statement or a question, because I have never yet, in my short experience in the Senate, known a Senator to

ask a question until first he had made a long statement. Generally when Senators yield they yield for both purposes.

Upon Senator Hoar saying that he objected to that, Mr. Butler, of South Carolina, did exactly what the Senator from Iowa undertook to do when I raised the point of order, and almost in the same language. Mr. Butler said:

The Senator has no right to object. I have the floor.

Mr. WILLIAMS. Senator George said that.

Mr. BRYAN. No; Senator Butler said that. He said, "I have the floor," acting under the impression that the floor belonged to him.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. Yes.

Mr. REED. I wish to ask the Senator to go back just a little further in the RECORD than the point at which he started, and just to read the RECORD through to the Senate, because if I have read it correctly the Senator is in error in regard to the facts. He is quoting only a part, of course in the best of faith; but since he is discussing it, and since I handed him the book, I should like to ask him if he will not read it all.

Mr. BRYAN. The Senator says he handed me the book. I sent for it early this morning, at the beginning of the session, and I think the Senator must have gotten it off my desk. I have no objection to reading it. I can not see the relevancy of it, however. I have stated what occurred—that there was a filibuster on over the force bill, and Senator George was tired out, and Senator Butler wanted to relieve him by reading some statutes. He proceeded to have the Secretary read them. Senator Hoar stood and watched that proceeding for a while. Senator Aldrich wanted the floor. Senator Morgan was inquiring if they had not finished, so that he could take the floor, and there was a wrangle as to whether the Vice President ought to recognize Mr. Aldrich or recognize the man who rose first; and Senator Hoar undertook to put a stop to the whole business by calling attention to the rule of the Senate.

Mr. SHAFROTH and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield, and to whom?

Mr. BRYAN. I yield to the Senator from Colorado.

Mr. SHAFROTH. I will ask the Senator if it is not fair to state the facts in this case—that the Senator from Louisiana [Mr. RANSDELL] was in no manner aiding or assisting the filibuster, and that he did not want to rest the Senator from Iowa in his speech?

Mr. BRYAN. Oh, Mr. President, I do not suppose any Senator, without the statement, would have the remotest idea that the Senator from Louisiana was filibustering against the river and harbor bill. I did not think it was necessary to make that statement.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield to the Senator.

Mr. VARDAMAN. I am asking for information. What opinion did Senator George, of Mississippi, and the other Democratic Senators entertain as to that ruling?

Mr. BRYAN. I am going to tell the Senator in a minute, but I want first to get into the RECORD the position Senator Hoar took.

Mr. Butler said:

The Senator has no right to object. I have the floor.

He seemed to think he had a proprietary interest in the floor. He seemed to think, as the filibusters of this day think, that when they get the floor they have a right to do with it as they please.

Senator Hoar said:

I have a right to object, and I rise to a question of order.

His question of order was that a Senator could not farm out the floor; he could not yield the floor unless every Senator gave his consent. Why is not that reasonable?

Mr. SMOOT. Mr. President——

Mr. BRYAN. Has the Senator who has the floor any more right to allow another Senator to get up and use it than any other Senator has?

Suppose the Senator from Utah has the floor, holding it, and I want to get in a speech. I get up, and the Senator from Utah says, "Well, I will yield to you." I get up and say what I want to say. Thereupon the Senator from Alabama rises. "No; I will not yield to you. I do not believe I care to let you interrupt me at all."

Mr. President, the rules are fixed so that the Senator who has the floor can hold it until he gets through with the occasion which gave rise to his taking it, and when he has done that he ought to sit down.

They tried to make Senator Hoar take his seat. Mr. Butler said:

I have the floor by the permission of the Senator from Mississippi.

Senator Hoar said:

I rise to a question of order, Mr. President.

Mr. BUTLER. I call the Senator from Massachusetts to order.

They had it in mind that the Senator who had the floor could use it as he pleased; and that is the proposition here to-day—to allow a Senator to have it, to yield to one Senator to ask him a question or to make a statement, to decline to yield to another Senator to ask him a question or to make a statement.

Why, what a monstrous proposition it would be if the Senator from Iowa could be so unfair—and I know he could not—in his criticisms upon the items composing this bill, when he criticized one, as to yield to a Senator who sought to defend it and allow him to do so, and then, when he reached another item and another Senator interested in that item wanted to interrupt and ask him a question about it, to decline to do so! What is the remedy of the other Senator? It is, "If you will not let me interrupt you, if you do not act fairly in the interruptions that take place in the Senate, I will not allow you to be interrupted." That is a right each Senator has, and it is a valuable right.

Mr. President, I did not raise this point of order to speed the passage of the river and harbor bill. I am anxious that an early vote may be taken upon it. But, sir, I have heard Republicans and Democrats in this body claim from day to day that the rules of the Senate are of no value and that we can not transact business under them until—and Senators on both sides of the Chamber will bear me out in this statement—certain Senators have a contempt for the rules, and sometimes even go so far as to say they will violate them. I do not believe it is right or just or fair to subscribe to the doctrine that a Senator can obtain the floor, and as long as he may remain about the Chamber, and has friends who will come to his assistance to relieve him, he may keep it.

The Senator from New Hampshire says that, of course, he can not do that; that if he undertook to allow others to relieve him in that manner, undoubtedly any Senator could call him to order. Now, how? How could he do it? Where could he do it? Under what rule could he do it? He can call him to order; he can insist upon his going on by himself to make a speech.

Senators seem to have an idea that the ruling of the Senate, made awhile ago, will operate to the disadvantage of the Senate.

Mr. SMOOT. Mr. President——

Mr. BRYAN. I yield to the Senator from Utah.

Mr. SMOOT. If the Senator will pardon me just a minute before he leaves the question he is just discussing. The Senator knows that it has been ruled time and time again in this body, and nobody has ever objected to it since I have been a Member of it, that a Senator could not farm out his time; but that is not this case.

Mr. BRYAN. Why can he not farm it out?

Mr. SMOOT. He can not farm it out for the simple reason that he has no right to say who shall be recognized for a speech.

Mr. BRYAN. Why has he not the right?

Mr. SMOOT. Because he is not the presiding officer, for one thing, and the Senator was not recognized for that purpose for another, and the usage of the Senate has always been against it. I do not know of a presiding officer since I have been here but that has held that he could not farm out the time; or, in other words, that I could not get recognition in the morning and say to the Senator from Missouri, "You can speak for 20 minutes in my time," and to the Senator from North Carolina, "You can speak for an hour." There is no rule that would justify it; there is no usage of the Senate that would justify it. Nobody has ever claimed that there was. On the other hand, I claim not a case can be cited where there has been a ruling made by any presiding officer over this body that a Senator can not be interrupted with his consent. He has a right to be asked by the Chair whether he will yield, and I do not see how language could be plainer than Rule XIX, which says:

No Senator shall interrupt another Senator in debate without his consent—

Not the consent of the Senate; not the consent of anyone else; it is his consent—

and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

In other words, this very concluding paragraph goes to show that the man holding the floor upon any legislative day can not speak more than twice; and certainly if he can not speak more than twice in his own right, he can not farm out the floor to somebody else. The ruling to-day was based upon a question for information, as the rule has always been, and not for a speech. I do not believe there is anybody in the Chamber who would think for a minute that Mr. George, if he were in the Senate to-day, could ask to interrupt the Senator from Iowa and then simply commence to speak and let the Senator from Iowa leave the Chamber, or go and eat dinner, or go and sleep, or take a rest, and he take the floor for an hour. No one would say that that was proper. No one would say that the rules justified it. No one would sustain any such procedure.

Mr. BRYAN. Mr. President, the Senator from Utah has raised two questions, and I want his attention to my reply to them.

The Senator says, in the first place, that a Senator can not take the floor, and, after having spoken for an hour, say: "I yield 20 minutes of my time to one Senator," and then, "I yield 20 minutes to another Senator." I agree with him on that point. But if he can not do that, can he take the floor without announcing it, but with an understanding with another Senator to relieve him when he gets tired, and then let the other Senator occupy 20 minutes or 30 minutes or an hour?

Mr. SMOOT. No; Mr. President, he can not do that.

Mr. BRYAN. Well, that has been done in this debate this week; and the Senator from Iowa has yielded that long and still has the floor.

Mr. SMOOT. Mr. President——

Mr. KENYON. Mr. President, if the Senator says that has been done under any arrangement, he is mistaken.

Mr. BRYAN. I did not say "under any arrangement."

Mr. KENYON. I think the Senator did.

Mr. BRYAN. No.

Mr. SMOOT. The Senator said "agreement."

Mr. BRYAN. I did not say the Senator from Iowa had any agreement.

Mr. KENYON. I have yielded to anyone on either side of the Chamber who wanted to ask any question of me. The questions have run into extended discussions, which I was sorry for, as I wanted to get through.

Mr. BRYAN. I have not said that the Senator had an agreement.

Mr. KENYON. I think the Senator did say that.

Mr. BRYAN. I have not said that. I did not intend to say it.

Mr. KENYON. If the Senator will read his remarks, he will find that he said that very thing.

Mr. BRYAN. Oh, well, I will not let any such statement as that stand. I did not mean to say it.

Mr. KENYON. I did not think the Senator did.

Mr. BRYAN. I think the Senator misunderstood me. Nevertheless, that very thing has happened. The Senator from Ohio [Mr. BURTON] has sat in front of the Senator from Iowa during these four days and has frequently gotten up and taken the floor. Now, I do not say that was done for the purpose of relieving the Senator from Iowa. Perhaps it was done because of the extreme anxiety of the Senator from Ohio to prevent the passage of this bill and because of his interest in it.

The other proposition the Senator from Utah raises is based on the language of the first section of Rule XIX, which says:

> No Senator shall interrupt another Senator in debate without his consent.

Mr. President, that is for the protection of the Senator who has the floor. It is personal to him. When he has the floor he need not submit to interruptions unless he wants to; but it does not say that a Senator can interrupt him if another Senator objects. That is this proposition.

One word more, Mr. President. The Senator from Utah says he has never heard of any such construction. The Senator from New Hampshire says that in the 23 years he has been here he has never heard of it. My attention was called to this matter by the late Senator Bacon, conceded to be exceedingly well versed in the rules of the Senate, whom I heard discussing it in the cloakroom when Senators were talking of changing the rules of the Senate so as to provide for a cloture, and calling attention to the fact that a Senator could get the floor and keep it indefinitely. I remember so well his saying that any Senator at any time could stop that, and saying furthermore that if Senators would busy themselves to understand the rules of this body there would not be such a great clamor for amendment of the rules.

It has been suggested that the ruling of Vice President Morton came about at a time when there was great excitement, and feeling ran high here in the Senate over the force bill. Mr. President, that is true; but the point of order was raised by Senator Hoar, and in a few minutes, after a running discussion of four or five minutes, apparently, judging from the RECORD, after the ruling of the Vice President, there was not any question by any Senator, Democratic or Republican, against the rule. They acquiesced in it. They gave it at least their implied approval.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. Yes.

Mr. GALLINGER. Will the Senator read the decision of the Vice President?

Mr. BRYAN. Yes.

Mr. GALLINGER. There are two paragraphs.

Mr. BRYAN (reading):

> The Chair is of opinion that the point of order made by the Senator from Ohio is well taken, and that the Senator from South Carolina should resume his seat until the point of order is decided by the Chair.
>
> Mr. BUTLER. Very well, sir; I want that settled.
>
> The VICE PRESIDENT. The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.
>
> Mr. BUTLER. That is not the point of order.

And he was right. It was not.

> The VICE PRESIDENT. He might transfer it for a question, or by courtesy of the Senate, or by unanimous consent—

The point raised by Senator Hoar was that it took unanimous consent, no matter what it was. I will finish the reading:

> But otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor.

Mr. President, as I was about to say in conclusion, we all know what a bitter fight was made then. If the great men on both sides engaged in that fight had supposed that the Vice President was wrong, nay, if they had not been convinced beyond a reasonable doubt that he was correct in his ruling, that it was founded upon good common sense and was founded upon a rule without which every Senator except the Senator on the floor was without any rights which he could enforce in this body, they would not have acquiesced in the ruling. Senator George was a great Senator. He acquiesced in the ruling. There was not a question made about it, and it has stood from then until now, and it never has been held yet that the Senate——

### EXECUTIVE SESSION.

The PRESIDING OFFICER (Mr. ROBINSON). The Senator from Florida will suspend. The hour of 4 o'clock having arrived, under the order heretofore entered, the Senate now proceeds to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The galleries having been cleared and the doors closed, the Senate proceeded to the consideration of executive business. After 2 hours and 35 minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m., Thursday, September 17, 1914) the Senate adjourned until to-morrow, Friday, September 18, 1914, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate September 17 (legislative day of September 16), 1914.*

### PROMOTIONS IN THE ARMY.

#### INFANTRY ARM.

Lieut. Col. Henry C. Hodges, jr., Infantry, unassigned, to be colonel from September 13, 1914.

Lieut. Col. John F. Morrison, Infantry, unassigned, to be colonel from September 15, 1914.

Lieut. Col. William H. Allaire, Eighth Infantry, to be colonel from September 13, 1914, vice Col. Alfred C. Sharpe, Infantry, unassigned, retired from active service September 12, 1914.

Maj. James H. McRae, Infantry, unassigned, to be lieutenant colonel from September 13, 1914, vice Lieut. Col. William H. Allaire, Eighth Infantry, promoted.

Maj. Walter H. Gordon, Third Infantry, to be lieutenant colonel from September 13, 1914, vice Lieut. Col. Henry C. Hodges, jr., advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. Armand I. Lasseigne, Fifth Infantry, to be lieutenant colonel from September 15, 1914, vice Lieut. Col. John F. Morrison, unassigned, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Hansford L. Threlkeld, Thirtieth Infantry, to be major from September 13, 1914, vice Maj. John S. Switzer, Fourth Infantry, detailed as adjutant general.

Capt. Peter W. Davison, Thirteenth Infantry, to be major from September 15, 1914, vice Maj. Armand I. Lasseigne, Fifth Infantry, promoted.

First Lieut. John Randolph, Twenty-third Infantry, to be captain from September 11, 1914, vice Capt. Joseph H. Griffiths, unassigned, dismissed September 10, 1914.

First Lieut. Harry Graham, Twenty-second Infantry, to be captain from September 13, 1914, vice Capt. Hansford L. Threlkeld, Thirtieth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from September 15, 1914.*

Charles Edgar Athey, of Ohio.
George Busby Campbell, of New York.
Carey Pratt McCord, of Michigan.
Charles Joseph McDevitt, of Ohio.
Samuel Archer Munford, of New York.
David Daniel Scannel, of Massachusetts.
Francis Eppes Shine, of Arizona.
John William Turner, of Missouri.
Merlon Ardeen Webber, of Maine.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander David W. Todd to be a commander in the Navy from the 1st day of July, 1914.

Lieut. William W. Galbraith to be a lieutenant commander in the Navy from the 1st day of July, 1914.

Lieut. John V. Babcock to be a lieutenant commander in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) Damon E. Cummings to be a lieutenant in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) Warren G. Child to be a lieutenant in the Navy from the 1st day of July, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Ward W. Waddell,
Jesse D. Oldendorf, and
James B. Rutter.

Midshipman William E. Malloy to be an ensign in the Navy from the 6th day of June, 1914.

Charles W. Depping, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 2d day of September, 1914.

Lieut. Joseph L. Hileman to be a lieutenant commander in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) John W. W. Cumming to be a lieutenant in the Navy from the 3d day of April, 1914.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1914:

Augustin T. Beauregard, and
Herbert S. Babbitt.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Lee P. Johnson,
Robert G. Coman,
Robert H. Bennett,
Vance D. Chapline, and
Joseph A. Murphy.

Ervin L. Matthews, a citizen of Arkansas, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

Robert L. Nattkemper, a citizen of Indiana, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

Machinist John W. Merget to be a chief machinist in the Navy from the 23d day of December, 1913.

Arthur Freeman, a citizen of Kentucky, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

Fredric L. Conklin, a citizen of Michigan, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

A. Contee Thompson, a citizen of Colorado, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 17 (legislative day of September 16), 1914.*

COMMISSIONER OF INTERIOR OF PORTO RICO.

Manuel V. Domenech to be commissioner of interior of Porto Rico.

SECRETARY OF PORTO RICO.

Martin Travieso, jr., to be secretary of Porto Rico.

REGISTER OF LAND OFFICE.

A. P. Tone Wilson, jr., to be register of the land office at Topeka, Kans.

COLLECTOR OF CUSTOMS.

James L. McGovern to be collector of customs for district No. 6.

PROMOTIONS IN THE NAVY.

Chaplain John B. Frazier to be captain.
Chaplain George L. Bayard to be commander.
Chaplain Arthur W. Stone to be commander.
Chaplain Matthew C. Gleeson to be commander.
Chaplain Evan W. Scott to be commander.
Ensign Henry F. Bruns to be assistant civil engineer.
Ensign Bert M. Snyder to be assistant civil engineer.
Ensign Willis A. Lee, jr., to be lieutenant (junior grade).
Ensign Theodore S. Wilkinson, jr., to be lieutenant (junior grade).
Ensign Harold S. Burdick to be lieutenant (junior grade).

POSTMASTERS.

ARKANSAS.

Charles McBride Cox, Rector.
Mrs. C. A. Harris, Junction City.

CALIFORNIA.

L. E. Payne, Carmel.

ILLINOIS.

George L. Hausmann, Vandalia.

INDIANA.

H. C. Rutledge, Indiana Harbor.

KENTUCKY.

Otis W. Jackson, Clinton.
A. G. Patterson, Pineville.

LOUISIANA.

Martha E. Thompson, Winnsboro.

MISSISSIPPI.

W. W. Robertson, McComb.

MONTANA.

James Bartley, Fort Benton.

NEW MEXICO.

L. L. Burkhead, Columbus.

OHIO.

J. O. Shaw, Newcomerstown (late New Comerstown).

OKLAHOMA.

P. H. Dalby, Ramona.
Charles L. Williams, Maysville.

TEXAS.

R. G. Brown, sr., Longview.

VIRGINIA.

S. S. Brooks, Appalachia.
F. G. Johnson, Toms Creek.
Frederick A. Lewis, Emporia.

WASHINGTON.

Leonard Talbott, Toppenish.

WEST VIRGINIA.

W. G. Bayliss, Macdonald.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *September 17, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

In the simplicity of faith and confidence, O God our Father, we lift up our hearts in gratitude to Thee for all the blessings of life. "Thou satisfieth the longing soul and filleth the hungry soul with goodness." May we ever be susceptible to the heavenly influences and go forward to all the duties and responsibilities of life as seemeth best in Thy sight, through Jesus Christ our Lord. Amen.

The journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following request:

Mr. SPEAKER: My colleague, Mr. GREGG, asks an indefinite leave of absence, on account of sickness in his family.

Respectfully, JAMES L. SLAYDEN.

The SPEAKER. Without objection, it is so ordered.
There was no objection.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below.

S. J. Res. 184. Joint resolution making an appropriation for expenses necessary to carry out the provisions of the act to regulate the taking or catching of sponges, approved August 15, 1914; to the Committee on Appropriations.

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, and the gentleman from New York [Mr. FITZGERALD] will take the chair. The gentleman from Indiana [Mr. ADAIR] will take the chair in the temporary absence of the gentleman from New York.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. ADAIR in the chair:

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That in order to provide for the supply of strictly local and domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified to obtain a lease under section 3 of this act, a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres in any one coal field, for a period of not exceeding 10 years, on such conditions, not inconsistent with this act, as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. It was the understanding that we were to have the privilege of offering amendments to section 7, and the Clerk hastily began with the reading of section 8. I wish to direct the Chairman's attention to a formal amendment similar to that which was agreed to in the Alaska coal bill. The same phraseology obtains in this bill as in that where you provide for a rental of not less than 25 cents per acre the first year, but the language is rather ambiguous whether it is to be less for the second and succeeding years or whether it is a fixed amount.

Mr. FERRIS. Would the gentleman be willing to let that go to the end of the bill and then return to it? I am in favor of the gentleman's amendment and will ask unanimous consent to do that if the gentleman does not object.

Mr. STAFFORD. Of course the matter is entirely satisfactory to me.

Mr. FERRIS. I shall be glad to make that request if that will be satisfactory to the gentleman.

Mr. STAFFORD. It will be entirely satisfactory to me.

I wish to make a further inquiry as to the pending section. Here you are permitting, as I understand it, an authorization for a period of not exceeding 10 years to any local community which wishes to use coal for their own special purposes. I wish to inquire why was it that the committee limited that to 10 years? Why should it not be for a longer period of time if the Secretary of the Interior really believes it is needed for local purposes?

Mr. FERRIS. The thought of the committee was—and it is likewise the thought of the Bureau of Mines and the Geological Survey—that in sparsely settled communities in some instances there are coal banks where a farmer can go with a wagon and dig coal out and use it for domestic uses; and in neighborhoods in Utah, and in some of those States where they have a nonresident homestead, where people live in communities, they can go and open a coal bank and use the coal for domestic uses; and it was the thought of the department, and I have in my hand a letter from the Bureau of Mines and the Geological Survey, both of which say they think this is a very good provision, and will help communities which are struggling for an opportunity to open up the West. They did not see where there was any chance for fraud in opening up the coal banks for domestic use.

Mr. STAFFORD. I wish to direct the attention of the committee to a further provision granting the right to a municipal corporation to mine on an area not to exceed 160 acres under proper conditions, such as the Secretary may impose, and one of those conditions is that it should not be for profit. I certainly approve of that condition. I certainly believe a municipal corporation when the coal fields are contiguous to the municipality should have the privilege of mining coal without paying any rentals or royalty, provided they will give the inhabitants of the municipality the privilege of the coal without any profit to it.

Mr. FERRIS. If the gentleman will yield—really the author of that provision is the gentleman from Colorado [Mr. TAYLOR], and his views are fortified and backed up both by the Bureau of Mines and the Geological Survey. Let me read to the gentleman what the Geological Survey says about that particular proviso. If the gentleman will pardon me, I just wish to read him a word or two.

This proviso can not possibly result in driving away commercial development. The acreage is limited to 160 acres, which can not under any circumstances permit of large-scale operations. It merely permits communities to relieve their fuel necessities by means of their own action in the absence of a reasonable or satisfactory source of supply. It is anticipated that both under this proviso and the main portion of the section that the operations will only be in advance of the development on a large scale by coal companies. That is the only reason for the inclusion of such provisions. Otherwise unreasonable and unnecessary hardship might result.

Let me call the attention of the gentleman that in some instances a coal company owns the only mines that are open near a city, and they charge exorbitant prices to the city, which is compelled to have coal. This is a club in their hands to exact justice. This will help a community get justice.

We have a right to let the city lease the 160-acre tract for municipal purposes without royalty and without charge when a city can not force the coal companies to sell them coal at a decent price. May I add a word more——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that the gentleman from Wisconsin [Mr. STAFFORD] have five minutes more. I used all his time myself.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Wisconsin have five minutes more. Is there objection?

There was no objection.

Mr. FERRIS. It says further:

The operation of a small mine on 160 acres would not scare away any commercial development at a time when increasing density of population and industrial development would justify the expenditures involved in opening up a lease on 2,560 acres.

I have here practically the same data, though stated in different words, from the Geological Survey, and they call attention to the fact that it is a very salutary provision.

Mr. STAFFORD. As I understand the explanation, it is not for the purpose of granting to a municipality a small rate in order that they may operate in case the private companies are holding up the consumers in that municipality at an exorbitant price? It is not intended that this is for the municipality to go into the coal-mining business as such?

Mr. FERRIS. It is really thought they never will, but they could if necessity demanded.

Mr. STAFFORD. And it is on the principle that the Government should have some municipal plants of their own to see what the cost of operation is and keep down the profits in case the private contractor is exacting too large a profit for supplies to the Government?

Mr. FERRIS. That was the thought of both the department and the committee.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. I gladly yield to the gentleman.

Mr. MADDEN. Do I understand the committee to report in favor of all the municipalities in the neighborhood where coal mines can be developed going into the coal business in competition with legitimate enterprise?

Mr. FERRIS. They only go into competition to this extent, and that is that they can mine and furnish the community coal without any profit to themselves or the municipality.

Mr. MADDEN. If there is any other way that the committee could devise to prevent men who have money invested in business from getting anything for their labor and investment I would like to have them make it known, because they have been very assiduous in their efforts to put the Government in competition with every legitimate enterprise, and are now proposing to put the States and towns and cities into business and discourage private enterprise everywhere. It looks to me as if we might just as well abandon this conservation legislation altogether as to try to get men with money to invest in Government-

owned mineral lands with the Government in competition with them. There is no surer way of getting that result than by opening up the field of business to every city and every community where mineral lands lie. The next thing we know we will have no means of getting revenue with which to run the Government. Everything will be owned and operated by the municipalities, by the Government itself, and the citizenship of the country will have no place in the country except to be used to pay the taxes for the tax eaters that will be on the Government pay rolls.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. STAFFORD] has expired.

Mr. MADDEN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. In Alaska the committee recommended, and the House adopted, the scheme by which the Secretary of the Interior has the right to fix the price at which coal can be had under lease or royalty. Then they proposed to fix the price at which a man who pays the royalty could sell the coal to the consumer, and thus make it sure that he can not operate his business profitably.

Mr. FERRIS. We did not adopt that.

Mr. MADDEN. You did not adopt it, but you recommended it.

Mr. FERRIS. We did not have that in the bill.

Mr. MADDEN. But the gentleman was in favor of that kind of a law, and others who were associated with him were in favor of it, and it just so happened that the good sense of the House overruled the judgment of the committee, and on top of all that the bill authorized the Government of the United States to operate coal mines and sell coal to the public in competition with the men who are to pay the royalty to the Government and who are paying taxes to maintain the Government. What are we coming to? Have we any consideration for the man engaged in private enterprise in this country any more? Have they any place in the citizenship of the country any longer or are we just trying to see how we can drive them off the face of the earth?

The time is coming when all these vagaries will be sat down upon, and that time is not far distant. The people of the United States will not continue to submit to this kind of nonsense. They have a right to expect, when they select men to speak for them here, that such men will speak for them along reasonable and conservative lines. They expect their representatives here to protect their rights, to conserve their interests, to protect their investments, not destroy them, nor to use them merely as instrumentalities to fill the Treasury of the United States for the purpose of feeding a lot of job holders. They expect to have something to say about this Government. They are the Government; they have the power; and when any man on this floor says that the people of the United States are not a conservative people and will not insist upon having something to say about the conduct of the Government, and will not resent the Government itself going into competition with them on any and every pretext, he is greatly mistaken.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. MADDEN. Yes; I yield.

Mr. JOHNSON of Washington. I want to know if the gentleman has seen the latest invitation for bids in the Forestry Service for several million feet of timber in the Kiabab Reservation in Arizona, where it is suggested that the Government, in order to handle that timber, should be gainer if it builds a $3,000,000 railroad?

Mr. MADDEN. We have entered upon the practice of building railroads. We have authorized the expenditure of $35,000,000 for the construction of a railroad up into the ice fields of Alaska. We have authorized the development of agriculture up there among the glaciers. We seem to have no conception of what the public needs are. We are running the gamut of wild waste in the expenditure of public money. We have already appropriated $1,117,000,000. There are two bills still pending calling for the appropriation of $83,000,000 more—the river and harbor bill amounting to $53,000,000 and the ship-purchase bill, amounting to $30,000,000, which, if enacted, will make the total appropriations $1,200,000,000, or $192,000,000 more than the largest sum ever appropriated by a Republican Congress.

And we are now about to levy a new tax of $100,000,000 on the people to pay these extravagant and useless expenditures. I warn the House, and particularly the Democratic side, that the time is coming when this reckless waste of public money will not be tolerated by the American people. I advise you to go slow, to take heed, to stop and think. The people of the United States have had their incomes reduced, and are compelled by reason of that reduction in their income to cut down their expenses, and they will not long submit to the continuation of a policy which increases the amount of their taxation and at the same time reduces their power to earn an income; to your increasing the expenses of the Government, while they are compelled, as a result of your policy, to economize and in many instances to even deny themselves the ordinary comforts of life. [Applause on the Republican side.]

Mr. GORDON. Mr. Chairman, will the gentleman yield to me?

Mr. MADDEN. Oh, no; I am through.

Mr. FERRIS. Mr. Chairman, I want to ask unanimous consent that at the expiration of how much time——

Mr. MONDELL. I was out about a minute while section 7 was under consideration, and understanding that there were several amendments to be offered to that section I supposed it would not be disposed of promptly. When I returned, the Clerk began to read section 8.

Mr. FERRIS. Of course, the gentleman is correct about that. Section 7 was open for amendment. The gentleman is again correct when he says he was away for a moment, and he is again correct when he says that the Clerk began to read. But if there is anything important that the gentleman wants to talk about in section 7 we can return to it later. How much time does the gentleman desire on this section?

Mr. MONDELL. Five minutes.

Mr. FERRIS. Then, Mr. Chairman, at the expiration of 15 minutes I ask unanimous consent that the debate on this section close; 5 minutes to be controlled by the gentleman from Wyoming [Mr. MONDELL], 5 by the gentleman from Illinois [Mr. MANN], and 5 by myself.

Mr. TAYLOR of Colorado. I shall want about 5 minutes.

Mr. OGLESBY. I shall want 3 minutes.

Mr. LENROOT. I wish the gentleman would add 2 minutes to that. I may not use it.

Mr. FERRIS. Then, Mr. Chairman, I make it 20 minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on this section close in 20 minutes—5 to be controlled by the gentleman from Illinois [Mr. MANN], 5 by the gentleman from Wyoming [Mr. MONDELL], 3 by the gentleman from New York [Mr. OGLESBY], 2 by the gentleman from Wisconsin [Mr. LENROOT], and 5 by himself.

Mr. THOMSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMSON of Illinois. Does the gentleman's request contemplate closing debate on this section?

Mr. FERRIS. Yes. Make it 25 minutes, Mr. Chairman, in order to give the gentleman from Illinois [Mr. THOMSON] 5 minutes.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. I would like to ask the Chair if he understands that all debate shall be confined to the subject matter of the bill? The rule required that, but the Chair has not presided over this committee before.

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that if a point of order is made, the Chair will rule thereon.

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I shall object if we are obliged to listen to any more tirades such as that we have just listened to from the gentleman who last had the floor.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that debate on this section be limited to 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma modifies his request and asks that all debate on this section be limited to 30 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I believe the provision made in section 8 for the opening of small mines without charge would perhaps be useful and helpful in some few cases. I have in mind conditions under which such a provision would be valuable.

What I fear, however, is that this section, without modification, may be used for the purpose of preventing the opening of large coal mines. I can readily understand how an operator now controlling and owning a mine in certain fields might influence some one to take advantage of section 8 in such a way as to prevent the opening of a competing mine. I think that in many cases that is what would be done under this section.

We have never had any provision of this kind, and we have never especially suffered for the lack of it. There are cases, it is true, where it would be helpful and useful for a small local mine to be owned—I had such a provision in the bill I introduced—but ordinarily those desiring to open such a mine can lease a small tract or purchase it. The danger is you are presenting an opportunity here to block development wherever

it is in the interest of an operator already in the field to block such development. I have in mind a number of coal fields where there are few places where it would be possible at any reasonable expense to now open a mine until the frontal areas have been worked out; and one of these 10-acre mines placed just at the proper point would effectually block the opening of another mine.

Therefore I believe, if it is to remain in the bill—and I should like to have it remain in the bill, if it can be retained without doing harm—there should be added a proviso to the effect that an operation of this kind should not be a bar to the leasing of the land under royalty. I think that anyone who wants to go in and get a 10-acre mine without any charge or cost ought to be willing to give way when the Government is in a position to actually have the property developed in a large way. I would pay him for his improvements.

Now, such a condition would not work injury in any case that one can conceive of a bona fide opening under this section, for such opening would ordinarily be far from railway communication, in the midst of small settlements, where there would be no demand for a large mine. What I fear is that advantage will be taken of this section to block the very development that you want—the development that we must have in order to give us competition with people already in the coal business.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. LENROOT. How does the gentleman think development could be blocked?

Mr. MONDELL. If, for instance, at a given point in a field there was only one canyon cutting into the coal field through which a railroad or tap line could be built, only one place where you could advantageously attack the vein until a large amount of development had taken place—and those conditions occur frequently—some operator in the territory desirous of preventing anyone else starting in competition could have one of these 10-acre mines opened at such a point.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent that I may have two minutes more.

Mr. FERRIS. The time is all parceled out.

Mr. MONDELL. I only wanted to answer the gentleman in a minute or two.

Mr. FERRIS. I yield to the gentleman one minute of my time.

Mr. MONDELL. One of these 10-acre mines could be opened at that point, and unless you have some provision to cover such a contingency it might not be practicable to open a large working.

Mr. LENROOT. The gentleman may not be aware that further on in the bill there is a section which reserves rights of way over all leased lands.

Mr. MONDELL. I know of that provision. I am not speaking of a right of way; I am speaking of a place where there is only one present opportunity in a considerable territory to open a big mine advantageously, and the location of a 10-acre mine right at the point where it would be necessary to open the larger mine might block the opening of that larger mine. It would not be a question of right of way.

Mr. LENROOT. You could cross it.

Mr. MONDELL. If the only point for making the mine opening was on this 10-acre tract, what could be done? I have in mind numerous places where that might be the situation. In attempting to help small communities you have here a section which may lead to all kinds of scandal if it is not guarded. If I have the opportunity I shall offer an amendment that, I think, will cover the point.

Mr. LENROOT. Section 24 of this bill reserves to the Secretary of the Interior the right—

to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act—

which effectually bars any man holding a permit from preventing another lessee obtaining access to his coal deposit. Section 24 is a complete answer to the objection that the gentleman from Wyoming now makes.

Mr. MANN. I do not think the gentleman from Wisconsin caught the point made by the gentleman from Wyoming [Mr. MONDELL].

Mr. LENROOT. I think I did.

Mr. THOMSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "*Provided,*" at the beginning of line 8, on page 7, the following: "That not more than one such limited license or permit shall be issued to any single applicant hereunder: *And provided further.*"

Mr. TAYLOR of Colorado. I think that will be accepted by the committee. I think it is eminently proper.

Mr. THOMSON of Illinois. It is the same amendment that I offered to the Alaska bill, which was accepted.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. THOMSON].

Mr. OGLESBY. Mr. Chairman, in my opinion this section 8 is the sanest provision in the bill.

Mr. THOMSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMSON of Illinois. Was my amendment adopted?

The CHAIRMAN. It has not been voted on. The gentleman from New York [Mr. OGLESBY] is recognized for three minutes.

Mr. THOMSON of Illinois. I understood that I was recognized, and I offered an amendment.

The CHAIRMAN. The gentleman did, and then surrendered the floor.

Mr. THOMSON of Illinois. I did not understand that I had surrendered the floor.

The CHAIRMAN. The gentleman did. The gentleman took his seat. The gentleman from New York [Mr. OGLESBY] is recognized.

Mr. OGLESBY. Mr. Chairman, in my judgment section 8 is the sanest provision of this bill. I do not understand the use of conservation if it is not for the purpose of preserving from waste and monopoly, in order to give the people of the whole country the benefit of the particular product that is conserved. Certainly it can not be for the purpose of getting revenue for the National Government, and the provisions for the leasing of these coal lands to the man who will pay the highest royalty does not, to my mind, accomplish the purpose for which the coal lands have been set aside and placed in such a position that they can not be used by private individuals who may attempt to get them in the way we all get our property—by purchase from the legal holder of the title. It is inevitable that the man who gets a lease of a coal mine for the purpose of operating it will add to the cost of production whatever he has to pay in the way of royalty, and no limitation whatever is placed upon the price at which he shall sell the coal to the public, except the price he is compelled to make by reason of the competition to which he is subjected.

One reason I favored the building of the railroad in Alaska was because it would enable us to get out those large deposits of coal; not that I believed any of that coal would be sold in the East, but because if the western country could be supplied from those large coal mines in Alaska it would remove the pressure from our mines in the East, and then we would not be met by our coal dealers, when we asked for a decent supply of coal, with the objection that because their mines are supplying such large quantities of coal to the West it is impossible for them to give us any more than is necessary to meet our needs from day to day. Not only are we limited to a starvation allowance, but they use that argument in order to scare us into paying practically any price that they want to charge; and I say that this particular provision, which affords an opportunity to a man who is going to operate locally or to any municipality to take its coal out without the payment of royalty, is a sane provision, because it offers an opportunity for the production and sale of this coal to the consumer at the lowest price at which it could be had under a bill of this character.

The CHAIRMAN. The question is on the amendment of the gentlemen from Illinois [Mr. THOMSON].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. I think the gentleman from Wisconsin [Mr. LENROOT] was mistaken in thinking that section 24 obviates the objection raised by the gentleman from Wyoming [Mr. MONDELL]. I do not know myself what the possibilities may be, but I can readily imagine that in many mountainous places there is only one available and cheap place for opening a mine which would cover quite an extent of coal territory. It is possible that the Secretary, through regulations, may be able to control that; but, on the other hand, it is quite possible

that where a company contemplated leasing a tract authorized in the bill somebody who wanted to shut them out might make application for 10 acres at the very point where the only profitable mine opening could be made.

I suppose we will have to take our chances on that. I doubt the desirability of permitting municipal corporations to take 160 acres of coal land to operate without profit. I imagine that they will operate without profit, although I know of no way of determining in advance whether that will be the case or not. You say you grant a lease upon the condition that the city or other municipality operating the mine shall handle the coal without profit. They will not know whether it is with or without profit until the end of some stated time. To say that we authorize a coal company to operate without profit, how on earth would they know whether they were operating without profit or with profit until the end of some stated period? Then they could not pay it back to the purchasers of the coal; that is not practicable.

Here is a proposition to lease coal lands and charge a royalty to the private owner, and at the same time your proposition is to give to the city authority, without royalty, to operate a competing coal mine on the condition that they shall do it without profit. You know that the private people will not endeavor to operate without profit. Profit is what they go into business for. How can you expect people to take leases of coal lands with the expectation of making a profit and paying a royalty when their competitors are required to operate without profit and pay no royalty?

Mr. FERRIS. May I make a suggestion?

Mr. MANN. Certainly.

Mr. FERRIS. Of course the gentleman knows, and I know, that this is not the most important provision of the bill, that it is not the axis upon which the legislation will turn.

Mr. MANN. I am not sure about that.

Mr. FERRIS. In the little cities where only a small per cent of the coal mined is consumed, and 90 or more per cent sold abroad, does not the gentleman think it would be a good sized club and a feasible club to hand to the city to see to it that when the coal mines were being operated right under the eaves of the town, that they could have coal for what it was worth instead of paying $15 or $20 a ton, if the coal company sought to oppress them by charging high prices; does not the gentleman think it would be a humanitarian act to allow them to dig their own coal?

Mr. MANN. As a business proposition it is not fair to say that the private owners shall pay a royalty while a public municipal corporation shall pay no royalty in competition with each other. That is not a fair proposition. The whole theory of legislation in that respect, and too much of other legislation that we have, seems to be that you expect private people to operate business for amusement. People go into business to make money, and they are foolish if they do otherwise. The business incentive to men everywhere to engage in business is the possibility of profit. When you want people to engage in business you ought not to say to them "Your competitor shall have better terms." We do not anywhere endeavor to provide that one man shall have better terms than another. We pass railway legislation for the purpose of putting all on an even plane. But here you propose to say that a public corporation shall pay no royalty in competition with a private corporation that is required to pay a heavy royalty.

Mr. FERRIS. Mr. Chairman, if the private coal company had as its sole market the local municipality, every word that the gentleman from Illinois says would appeal to every Member here. But the fact is the little local community is but a small parcel of their market. A coal company that goes into the West and leases four sections of land and sets up a coal-mining plant that costs a half million dollars is not doing that for the purpose of selling solely and alone to some little town of 1,500 inhabitants.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MANN. This provision is not confined to little towns of 1,500 inhabitants.

Mr. FERRIS. I know it is not; but the gentleman and I both know that this entire bill only applies to the West, and that in the main is the class of towns you will find out there. Eastern cities will, of course, never use it.

Mr. MANN. Any city in the country can go there and lease a mine.

Mr. FERRIS. Yes; but this only has application to States that have public land.

Mr. MANN. Any city can go out and get 160 acres of land and open a coal mine.

Mr. FERRIS. Yes; but no city is going to do that.

Mr. GORDON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. GORDON. Is not there a provision in the trade commission bill that prohibits such discrimination as you seek to avoid?

Mr. FERRIS. I think there is, although I am not sure.

Mr. GORDON. If the coal-mining company discriminates against the local municipality in favor of nonresidents, they would violate the provision of the interstate trade commission act.

Mr. FERRIS. Probably they would, but I am not familiar enough with the trade commission bill to answer the gentleman's question categorically. I hope it will bring all that it is expected to. Here the Federal Government is leasing some of its own land and leasing its coal deposits. A good many people in the West think we ought not to lease the coal deposits at all. They think that we ought to give them to them and give it to them in fee simple. We have tried to make the fight along the line of saving something to the public, and we have had a heavy load to carry to prevent the West from going into private ownership, where it would in all probability mean extortion. The task has not been a light one.

Mr. SHERLEY. Are we to understand that this is a concession to those people who believe that the public lands should be ceded to the State where they are situated?

Mr. FERRIS. Not quite that. But it is an opportunity that enables a local city or community that is being oppressed more than it can stand to lease some of the Government coal land without paying a royalty to the Federal Government so long as it makes no profit from it. I ask, What more wholesome provision, what more wholesome act, could this Congress permit than to place in competition with the coal-mine company a city in its entirety when the coal company is charging $18 or $20 a ton for its coal, which is mined right at the doors of the city? A moment ago, in private conversation with the gentleman from New Hampshire [Mr. REED], he told me that while he was mayor of Manchester a coal company charged the people of Manchester $20 and $22 a ton for coal when the coal was mined nearby. Does anyone want to enable coal companies to oppress any community or city more than that community or city can stand, and does anyone know of any more wholesome and better provision than allowing the city to mine coal for its own use without profit, free of royalty to the Federal Government?

Mr. SHERLEY. If the gentleman's theory is right, why should we not restrict all leases to municipalities without cost and let them mine the coal?

Mr. FERRIS. Oh, the gentleman shoots wide of the mark.

Mr. SHERLEY. That is not answering the proposition.

Mr. FERRIS. There is only a small amount of coal used by these little cities on the frontier in the West. What happens? A coal mine is opened by a big coal company that spends half a million dollars to open the coal mine. They sell 2 or 3 or probably 5 per cent of the coal to the local community and ship 95 per cent away. It pays no taxes and bears no burdens of the local community. Does the gentleman think that this legislation should pass without handing the local community some weapon to protect itself?

Mr. SHERLEY. I do not think this is the proper weapon. I do not think the gentleman's statement is accurate either as to taxes or conditions.

Mr. FERRIS. Let me proceed. I know that we do not want to make this bill so socialistic that it will drive capital away. I was attracted somewhat by the argument of the gentleman from Illinois, Mr. MADDEN. He is a solid, level-headed business man. I was likewise attracted somewhat by the argument of the gentleman from Illinois, Mr. MANN. We do not want to put any provision in the law that will drive away capital, but the Bureau of Mines and the Geological Survey have sent me a long memorandum, and in both instances they say they believe the provision is salutary; they think it is what it ought to be, and they do not think that it will drive away capital. They think that it will accomplish good out in the West. Again, I repeat that this is not the main provision of this bill, but it is important to the destiny of this bill. It will help the administrative officers to carry out the intent of this bill and will help popularize and help the bill in the West. I want to call the attention of the House to the fact that if you make this legislation so unpopular that the western people will refuse to accept it, you will make it hard for your administrative officers to carry it out; and we ought to grant something in the bill to these local communities where it is very much needed, where

we can do it, when we are accomplishing so much good, as I believe we are.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. FERRIS. Mr. Chairman, but the gentleman from Wyoming has already occupied his time, and he is not a member of the committee.

The CHAIRMAN. The Chair understands that debate on this section was limited to 30 minutes.

Mr. FERRIS. The gentleman from Colorado [Mr. TAYLOR] is entitled to the time, if any more time is to be used, for he is a member of the committee.

The CHAIRMAN. Five minutes of the time remains yet unconsumed, and the Chair will recognize the gentleman from Wyoming for four minutes.

Mr. MONDELL. I do not care to be recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, the remainder of that time belongs to me, but I thought if we were going to read the bill that I would not consume the time.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair is informed that there was no such agreement giving to the gentleman from Colorado the balance of any unused time of other gentlemen. He was to have, if anything, five minutes. Four minutes were surrendered by other speakers. The gentleman from Wyoming addressed the Chair, and the Chair will recognize him for the four minutes unoccupied, in addition to the five minutes yet remaining unused.

Mr. DONOVAN. Mr. Chairman, the gentleman from Wyoming has already had five minutes.

The CHAIRMAN. It is immaterial. The gentleman from Wyoming is recognized for four minutes.

Mr. MONDELL. Mr. Chairman, I rise not for the purpose of using the four minutes in discussion, but for the purpose of propounding a question to the gentleman from Oklahoma [Mr. FERRIS]. Section 7 is reserved for amendment. The section we have just completed is the last of the coal sections. Would it not be well to go back to section 7 and complete that now?

Mr. FERRIS. No; and I hope the gentleman will not do that. Let us get along with the bill.

Mr. MONDELL. We do not want to discuss phosphates and oil and other things with coal still unfinished.

Mr. FERRIS. The gentleman can not go back to that now.

Mr. STAFFORD. Let us limit the time for debate in going back to it, so that we can close debate upon it.

Mr. MONDELL. There are some things that I desire to present.

Mr. DONOVAN. Mr. Chairman, a point of order. There is a colloquy going on over on the other side of the aisle between two or three gentlemen, and only one can have the floor.

The CHAIRMAN. The gentleman from Wyoming has the floor.

Mr. DONOVAN. But he is not the one who is using the floor.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Would it be agreeable to the gentleman to ask unanimous consent to revert to section 7, and that the time be limited to 10 minutes, 5 minutes to be consumed by the gentleman from Wyoming and 5 minutes by us?

Mr. MONDELL. I have two amendments, and I want 5 minutes on each.

Mr. FERRIS. Then, Mr. Chairman, I ask unanimous consent that after we dispose of section 8, which is now under consideration, we revert to section 7, so that the gentleman from Wyoming may offer two amendments, and that at the expiration of 25 minutes' debate on those amendments, 8 minutes of which time is to be controlled by the committee and 17 minutes by the gentleman from Wyoming and the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. STAFFORD], all debate shall close on the paragraph.

Mr. MANN. I suggest that the gentleman do not limit it to two amendments. I understand the gentleman from Wisconsin has two amendments he desires to offer.

Mr. FERRIS. Then we will just limit the time for debate.

Mr. MANN. Limit the time for debate to 25 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the conclusion of debate on section 8 the committee return to section 7 for the purpose of offering amendments, and that at the expiration of 25 minutes on these amendments debate on the paragraph and amendments thereto shall be closed. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, does the Chair hold that this requires unanimous consent?

The CHAIRMAN. The gentleman from Oklahoma is asking unanimous consent.

Mr. DONOVAN. Then, Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Connecticut objects. Does the gentleman from Colorado desire to use any time on section 8?

Mr. TAYLOR of Colorado. Mr. Chairman, I will avail myself of the privilege of extending my remarks on that section.

The CHAIRMAN. The gentleman has that right under the rule.

Mr. SHERLEY. Mr. Chairman, before the Clerk reads I desire to offer an amendment to section 8. I move to strike out all in line 7 on page 7 after the word "occupied" down to and including line 16.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 7, after the word "occupied," strike out the following: "*Provided*, That not more than one such limited license or permit shall be issued to any single applicant hereunder: *And provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license."

Mr. MANN. Mr. Chairman, I think the amendment is not reported the way the gentleman from Kentucky intended it, because the Clerk reported part of it, striking out the amendment of the gentleman from Illinois, which was inserted.

Mr. SHERLEY. I only desired that my amendment should begin with the proviso, "*Provided*, That in the case of municipal corporations," and so forth.

The CHAIRMAN. The committee has already adopted an amendment offered by the gentleman from Illinois——

Mr. STAFFORD. After the amendment of the gentleman from Illinois strike out the balance of the paragraph.

Mr. SHERLEY. I desire to modify my amendment, therefore, in accordance with the amendment adopted.

The CHAIRMAN. The gentleman from Kentucky offers an amendment to strike out the paragraph commencing with the words "that in the case of municipal corporations," and so forth, line 8, page 7.

Mr. FERRIS. Mr. Chairman, I make the point of order that debate is closed on this section. Debate was parcelled out by unanimous consent and the parties were named who were to have it, and the gentleman from Colorado yielded his time so that the Clerk could continue with the reading of the bill, and hence no other amendment is now in order, nor is anyone entitled to debate.

The CHAIRMAN. The Chair is not informed that the arrangement was such as the gentleman submits.

Mr. FERRIS. But the Chair is informed; we so inform the Chair.

The CHAIRMAN. The Chair stated that he is not so informed.

Mr. FERRIS. I can——

The CHAIRMAN. If the gentleman will permit the Chair to make a statement it will expedite the business of the committee. Certain gentlemen who were recognized to occupy five minutes surrendered a portion of their time, and there is still a part of the 30 minutes allotted for debate unconsumed, and after those who were to be recognized are recognized and consume some time there is time left over and the Chair recognizes those seeking recognition. The gentleman from Kentucky is recognized.

Mr. DONOVAN. Mr. Chairman, this action——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. To call attention to the fact that this action was taken when another gentleman was in the chair.

The CHAIRMAN. The Chair so stated, and stated the situation according to the information furnished at the desk. The gentleman from Kentucky is recognized.

Mr. SHERLEY. Mr. Chairman, I do not desire to unduly delay the committee, but I do want to put myself on record as opposed to the proviso that I moved to strike out. I do not believe that it is consistent with sound governmental policy to undertake to provide for a lease on coal lands on the payment of royalty and then to provide practically, as the gentleman from Oklahoma has said, as a concession to the western idea that I repudiate, that the public domain belongs to the Western States in which it happens to be situated; that a local community may lease without payment of royalty. Now, what we are trying to do here is to violate a policy that has been adopted touching conservation, that the public domain is to be

used for the benefit of all the people and not for a class of people, and we are proposing that in these western communities we shall permit those people to mine their coal without cost on the assumption that the property that is to be leased by the Government will be so handled as to be an extortion upon the public, an assumption which I am not willing to believe. If I believed the leasing of these coal lands by the Government for a royalty was to be made the medium of oppression and monopoly upon the people, then I would oppose the whole bill; and I do not see how gentlemen can come in here asking us to vote for a leasing bill and then in the next breath say that under the lease that is to be given there will be such oppression that in order to prevent it we must let a local municipality have the right without paying any royalty to mine coal so as to prevent the consumers being charged extravagant prices. The two things do not fit. It is not true in point of fact, in my judgment, and you are starting on a program of socialism that if you want to go on with you should go the whole way. [Applause.] You should provide that all coal lands that the Government owns shall be leased both to municipalities and corporations over the country at large without charging anything, so as to assure the general public obtaining coal at a cheap price without adding to it the cost of royalties. You have to take one horn of the dilemma or the other. The gentleman's statement begs the question. He tells you in substance—and I agree that he has fought hard and diligently to have a policy enacted to protect the public domain in the interest of the public at large—that he has been so pressed he has had to make concessions. Now, I do not blame him for that, but we are prepared to come to his rescue and prevent a concession being made that is not wise in principle and is not needed in point of fact. [Applause.]

The CHAIRMAN. The gentleman from Colorado is recognized.

MUNICIPAL COAL MINES.

Mr. TAYLOR of Colorado. Mr. Chairman, as the chairman of the Public Lands Committee, the gentleman from Oklahoma [Mr. FERRIS] has said this provision, which the gentleman from Kentucky [Mr. SHERLEY] moves to strike out, is a provision that I inserted in this bill myself. I also assisted in adding the fore part of the section, concerning which there is also a motion to strike out. So that I can not permit this attack upon these provisions to pass without making a brief reply. The language which it is sought to strike out is as follows:

SEC. 8. That in order to provide for the supply of strictly local and domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified to obtain a lease under section 3 of this act, a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres in any one coal field, for a period of not exceeding 10 years, on such conditions, not inconsistent with this act, as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit.

I therefore heartily coincide with the statement of the gentleman from New York [Mr. OGLESBY], that this is the sanest provision in this entire bill. The gentleman from Illinois [Mr. MADDEN] calls it socialistic. There is nothing more socialistic about this provision than there is in allowing a city to own its own water plant or electric-light plant or any other municipal utility. Throughout the Western States, notwithstanding there are millions of acres of coal lands, there are some large coal companies that compel small cities and towns to pay an exorbitant price for coal. This provision is put in the bill for the sole purpose of being a check and guard against monopoly and extortion. It will have a tendency to compel the coal operators to treat the people fairly, and I can not understand how anyone can oppose this measure, unless he is knowingly or unwittingly shielding the big coal companies that have charged and will charge the people unjust and exorbitant prices.

I think it would be an outrage on the West to let this bill go through without some safeguard against the big coal combinations. Of course, every big coal corporation is opposed to this. Every big outrageous monopoly is against it. They will all enthusiastically agree with the sentiment of the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. MADDEN]. But the people of the West who have been paying extortionate prices want a provision of this kind in this bill.

Mr. SHERLEY. Will the gentleman tell me why they have a better claim to this land than the rest of the people of the country?

Mr. TAYLOR of Colorado. The people of the municipalities and all the people of those States have a right to ask this Congress to protect them against extortion.

Mr. Chairman, this provision gives cities and towns the right to obtain a lease of 160 acres of coal land from the Secretary of the Interior and to mine coal for their inhabitants without paying any royalty. It is the most genuine example of honest conservation that has ever been presented to this House. There can be no more wise or better legislation than a provision of this kind that will absolutely make monopoly impossible and protect the people of all of those Western States forever against any extortion by coal combines. No law can be more humane or capable of more benefit to mankind than by furnishing cheap fuel. This is a measure that I have been diligently working upon ever since I have been in Congress. I live within 3 or 4 miles of one of the largest coal veins in the United States, from which coal is mined at from 60 to 90 cents a ton, and yet the inhabitants of my home town, Glenwood Springs, Colo., have to pay from $5.50 to $6.50 per ton for it. I introduced a general coal bill—H. R. 26200—in the Sixty-second Congress, and on the first day of this Congress, April 7, 1913, I introduced H. R. 1632, granting cities and incorporated towns coal lands free for municipal purposes—640 acres for cities and 160 acres for towns. Three years ago I submitted this measure to the Interior Department, and after many conferences obtained a very favorable report from the former Secretary of the Interior, Hon. Walter L. Fisher; and the Public Lands Committee favorably reported my bill on this subject. The report which I prepared for the committee upon that bill includes the report of the former Secretary, and is as follows:

COAL LANDS FOR MUNICIPAL PURPOSES.

For a number of years past it has been the policy of the administration to withdraw from entry practically all of the coal lands upon the public domain. The Government has been gradually examining and reclassifying the coal land, so that at the present time a large portion of the coal lands have been classified and a purchase price placed thereon. But upon practically all of the coal land thus far classified the price has been fixed so extremely high that it is practically prohibitive. In some States there has been scarcely a single entry initiated and completed during the past three years. The natural and actual result of this policy has been and is to permit the coal companies that own a large part of the coal lands heretofore patented and that are operating most of the mines thereon in the various States to combine together—especially in conjunction with the railroads—and unduly raise the price of coal to the consumers. The increase in prices has in many cases been as much as 200 per cent during the past three years. This condition is imposing a very great burden and an unwarranted hardship upon the people throughout the West, and especially the poor people in cities and towns. Moreover, where in former years the farmers and many people of the towns were almost universally permitted to go with their wagons to the coal mines and get coal for a dollar a ton and haul it home themselves, that practice has been entirely discontinued and prohibited at nearly all coal mines, and all those people are now compelled to pay from $4.50 to $6.50 a ton generally, and in many places even higher than that. For many years the price of coal was from $2.25 to $3.25 per ton. In other words, the Government's laudable intention of conservation against waste and monopoly is now being used to create one of the greatest monopolies and outrages that has ever been inflicted upon or known throughout the West.

For the purpose of trying to relieve this situation, and at the same time desiring to recognize the good intention of the administration and the public generally to prevent monopoly or waste of the public coal lands, H. R. 1264 was introduced on the 4th of April, 1911. The bill was duly referred by your committee to the Secretary of the Interior for his report thereon. The object of the bill was to allow cities and incorporated towns to obtain from the Government at a nominal price a reasonable amount of coal land on the public domain upon which to open a coal mine for municipal purposes, and for the supplying of the inhabitants of the city or town. The intention was to authorize the city or town authorities to conduct a mine and sell the coal to its citizens at actual cost, and thereby protect its citizens from the prevailing extortion. After numerous consultations with the officials of the Interior Department the Secretary made the following report thereon:

DEPARTMENT OF THE INTERIOR,
*Washington, D. C., August 5, 1912.*

Hon. JOE T. ROBINSON,
*Chairman Committee on Public Lands, House of Representatives.*

SIR: With reference to your requests for a report on H. R. 1264, to authorize cities and incorporated towns to purchase coal lands:

This matter has been discussed at length with Representative TAYLOR of Colorado, who introduced the bill. The aim of the Federal conservation policy with respect to Government-owned coal lands is to insure for the public an abundant supply at prices which will yield a fair return and no more upon the capital invested in mining and handling the coal. This is impossible when a fee simple patent is granted to private persons or corporations for the commercial exploitation of the coal deposits. When title passes from the Government its control ceases, and the patentee is placed in such a position that he can exact from consumers the highest price for the coal mined from the lands that their necessities may compel them to pay. The patentee or subsequent fee simple owner of any particular tract containing rich deposits easily workable at small expense and supplying a market in which coal mined under less favorable conditions does or may compete will fix his price no lower than is necessary to command the market against such competition. That level will be determined by the relatively high cost of production of the coal mined under less favorable conditions. The difference between this relatively high cost and the relatively low cost of mining and marketing coal from the tract so patented can not, under conditions of commercial competition, be transferred to the consumers. It must remain in the hands of the coal operator unless paid to the public in the form of rental or royalty. For this reason the leasing system is the only method for the private exploitation of Government-owned coal lands which can protect the public. By retaining the title in its own hands and properly conditioning the lease it will be possible to protect the public from extortion.

Municipal corporations which desire to mine coal to supply municipal needs and the needs of their citizens are in a different position from commercial corporations. It may be presumed that a city entering upon such an enterprise would sell the coal at cost to its citizens and not attempt to make profit therefrom. Even if a profit were made it would increase the general revenue of the city and thereby accrue to the benefit of the citizens. Although I am of the opinion that a long-time lease for a nominal consideration would be better for this purpose than an *outright grant*, because it would admit of greater flexibility in dealing with each city according to local circumstances and conditions, I recognize that it is possible to embody in a patent to a city the most essential conditions necessary to effect the purpose of the Federal conservation policy as above stated. It is desirable to retain in the hands of the Federal Government a certain amount of supervision to make sure that the city will actually develop the coal without waste and with due regard to the health and safety of the miners; also that all the transactions of the city be given the fullest publicity to prevent any opportunity for corruption and abuse and to keep the Federal Government and the general public fully informed as to just how legislation of this character is operating in actual practice.

I submit herewith a proposed substitute for H. R. 1264, which has been drafted in the department to embody the views above set forth. You will note that this draft differs from the bill introduced by Mr. TAYLOR in that it provides for the issue of a patent to cities and towns as a gift and not as a sale. This is consistent with the conservation policy as above explained.

*Very respectfully,*

WALTER L. FISHER,
*Secretary.*

—

DEPARTMENT OF THE INTERIOR,
*Washington, February 4, 1913.*

Hon. SCOTT FERRIS,
*House of Representatives.*

SIR: Complying with your request of January 31, there is inclosed herewith copy of departmental report on H. R. 1264, dated August 5, 1912. Your particular attention is called to the last paragraph of the report as to the submission of a proposed substitute for the bill. This substitute was introduced by Mr. TAYLOR of Colorado on August 9, 1912, as H. R. 26200, copy whereof may undoubtedly be found in your files.

Very respectfully,

LEWIS C. LAYLIN,
*Assistant Secretary.*

The proposed substitute therein referred to was introduced on August 9, 1912, and is the bill (H. R. 26200) now in question, without any alterations or change whatever.

It is believed by your committee that the restrictions in the bill and the supervision retained by the Secretary of the Interior upon the working of the coal mine will be amply sufficient to protect the rights of the Government, and at the same time give the municipalities sufficient title and right to the property to warrant their making the large investment necessary in opening, developing, and practically operating a coal mine. It may be asserted that if all cities and towns in the public-land States that are entitled to the provisions of this measure (estimated at 1,650) should take advantage of it, their aggregate appropriation would not amount to more than a half million acres, or less than 2 per cent of the remaining coal lands now belonging to the Government. But, even so, it is believed by your committee that that amount of coal land could not be used for a higher, better, or more humane purpose.

However, it is certain that only a small per cent of the cities or towns will ever be required to take advantage of the provisions of this act. It is believed that in most cases the mere fact of their having the legal authority to do so will have the salutary effect of compelling the coal companies to desist from the present extortionate prices and monoply and compel them to mine and sell coal to the people at a fair and reasonable price.

The committee is also of the opinion that this measure can not and will not interfere with any legitimate operation of coal mining by coal companies that are operated in a practical way and are willing to dispose of their product at a fair price, for the reason that a coal company with its experience, skilled operators, and appliances can usually mine and sell coal at a good profit for less than a municipality can mine and deliver it—at least for a considerable time after the opening of a mine. Moreover, no city or town will be disposed to incur the probable indebtedness and expense of anywhere from $5,000 to $50,000 in the opening up of a coal mine and putting in the necessary machinery, side tracks, etc., if fair and permanent arrangements can be made with private coal companies to supply the inhabitants thereof with coal at a reasonable price. Many cities are now adopting the commission form of government and own their electric-light plants, pumping stations, and other municipal works, and have many uses for coal other than for the ordinary municipal buildings; and the possibility of direct competition with the coal companies, it is confidently believed, will generally have the effect of reducing the price of coal to the people, and thereby bring about the very great and lasting benefits above referred to.

Of course, in States where the constitution and laws or city ordinances are such that their municipalities can not lawfully expend the public money toward purchasing and maintaining a coal mine outside of their corporate limits, this act will not be available until such time as their constitution, statutes, or ordinances are modified to grant them that authority.

On August 11, 1912, the administration, through the Secretary of the Interior, issued what appeared to be an official statement to the public, which was published in the Washington Post and the press generally throughout the country in the Sunday's edition of that date, heartily approving this measure. That statement is so comprehensive that it is herewith inserted with the belief or hope that, in view of the position of the administration and the Interior Department upon this policy, there can be no real objection to the enactment of this measure as expeditiously as it can be considered by Congress:

"COAL MINES TO CITIES—SECRETARY FISHER BEGINS PLAN TO SOLVE FUEL PROBLEM—GRAND JUNCTION, COLO., FIRST—ORDERS LANDS WITHDRAWN FROM ENTRY FOR USE OF TOWN—FAVORS ALLOTMENTS FOR MUNICIPAL AS WELL AS CITIZENS' NEEDS—ADVOCATES LEASES INSTEAD OF GRANTS—PUTS MATTER UP TO CONGRESS.

"Secretary Fisher has a plan to allot Government coal lands to cities, which, in turn, may operate them, under certain regulations, to supply municipal needs as well as those of citizens.

"As a first step in the plan, Secretary Fisher has recommended that Congress pass a bill granting 640 acres of coal land to the city of Grand Junction, Colo., and meanwhile the Interior Department has withdrawn from entry the land the city desires.

"Cities in Colorado, Wyoming, Utah, Montana, Idaho, and other public-land States west of the Missouri River would be most vitally affected by Secretary Fisher's plan.

"The general bill he offers would authorize the Secretary of the Interior, in his discretion, to patent 640 acres of Government coal land for each city and 160 acres for each town, under conditions providing for prompt and continuous development of the coal, the prevention of any assignment or transfer of the land, the safeguarding of the health and safety of laborers mining or handling the coal, the prevention of undue waste of mineral resources, and other restrictions.

"FAVORS LEASES OVER GRANTS.

"Secretary Fisher maintains that the aim of the Federal conservative policy, with respect to Government-owned coal lands, is to insure for the public an abundant supply at prices which will yield a fair return and no more upon the capital invested in mining and handling the coal.

"Although Secretary Fisher believes that a long-time lease for a nominal consideration would be better for some purposes than an outright grant, because it would admit of greater flexibility in dealing with each city according to local circumstances and conditions, he asserts it is possible to embody in a patent to a city the most essential conditions necessary to effect the purpose of the Federal conservation policy.

"ORDERS THE LAND WITHDRAWN.

"It is desirable, he says, to retain in the hands of the Federal Government a certain amount of supervision to make sure that the city will actually develop the coal without waste and with due regard to the health and safety of the miners; also that all the transactions of the city be given the fullest publicity to prevent any opportunity for corruption and abuse.

"Upon the request of Representative TAYLOR of Colorado, Secretary Fisher has directed that the coal lands desired by Grand Junction be held withdrawn from entry. The right of the Secretary to make withdrawals by executive order in the absence of express authority previously conferred by statute has been a subject of controversy, especially in Colorado, but Secretary Fisher has no doubt of his executive authority in this matter."

I also introduced a bill giving a specific tract of 640 acres to the city of Grand Junction, Colo., and that bill has been twice favorably reported to this House by the Public Lands Committee, and it is on the Union Calendar now (H. R. 1633, Rept. 339). That bill allows the city to sell coal to the inhabitants of the county.

The present Secretary of the Interior made a very favorable report upon this provision, which the gentleman from Oklahoma [Mr. FERRIS] has just inserted in the RECORD. The first portion of the section pertaining to 10 acres is for the benefit of farmers and ranchmen in isolated communities, as well as associations of farmers. In a country where there is an abundance of coal, it seems to me it would be infamous for us to compel those people to either compete with large coal companies or to purchase from them at whatever price they see fit to charge. This provision is put in the bill for the protection of those people.

Upon this subject the Director of the Bureau of Mines recently made the following official report:

DOMESTIC LOCATIONS.

This section is one of the most salutary provisions in the bill, as it takes care of the interests of sparsely populated sections in advance of the commercial development of the coal mines. By reason of the nonaccessibility of many of the coal lands which are subject to lease under this bill, it will unquestionably be years hence before such lands are leased for commercial purposes. In the meantime the scattered inhabitants of such sections will be compelled to depend upon mines located long distances away for their small supplies of coal, with the consequent necessity of being compelled to pay high and perhaps extortionate prices, when deposits of coal are located in their immediate neighborhood, and which are unproductive as commercial propositions because of the limited market in the immediate neighborhood thereof. By means of this provision it will be possible for these isolated communities to obtain the small quantities of coal required for their uses. The limitation to 10 acres and for a period of 10 years amply restricts the privilege and provides the necessary assurance against fraud or monopolistic control. The mining operations will necessarily be conducted upon such a small scale that the cost of mining will be much greater than would be the cost in large-scale mining operations. As a result, the payment of a royalty would in many such instances make the cost of such mining prohibitive. If relief is to be offered to these isolated communities, it should be whole-hearted relief. It would be an anomalous condition if communities having coal in their immediate neighborhood should be unable to avail themselves of the resources at hand and be forced to depend upon sources of supply hundreds of miles distant, with meager and perhaps no transportation facilities. The provision can only be of incalculably more benefit than harm, even if it be admitted that it might in some instances lead to fraud or imposition, although it is not perceived how the opportunity for the latter would occur.

In relation to my measure for municipal coal mines, the Bureau of Mines has recently reported upon that provision of this bill as follows:

This proviso can not possibly result in driving away commercial development. The acreage is limited to 160 acres, which can not under any circumstances permit of large-scale operations. It merely permits communities to relieve their fuel necessities by means of their own action in the absence of a reasonable or satisfactory source of supply. It is anticipated that both under this proviso and the main portion of the section that the operations will only be in advance of the development on a large scale by coal companies. That is the only reason for the inclusion of such provisions. Otherwise, unreasonable and unnecessary hardship might result. The operation of a small mine on 160 acres would not scare away any commercial development at a time when increasing density of population and industrial development would justify the expenditures involved in opening up a lease on 2,560 acres.

On this section, which it is now sought to strike out, the Geological Survey, in a recent report, made the following statement:

(a) This section provides for free coal for strictly local and domestic needs ("country" or "neighborhood" banks) of not to exceed 10 acres in any one coal field. I think it is the idea in this case that such a tract is open for anybody to come and dig coal for themselves as they desire. Under those conditions the collection of royalty would be difficult, if not impossible. The number of acres so designated would be governed by the thickness of the coal and other conditions of the locality selected.

(b) As stated under section 3b, where competition is lacking prices actually charged for coal are often far above cost. If municipalities are legally free to lease coal lands and operate them for the benefit of their own citizens, they may pass the highest labor cost and still supply themselves with coal much below the prevailing market price.

Mr. Chairman, in view of these official reports, the self-evident common sense and undisputable fairness and justice of those provisions, I can not believe that this House will go on record against this section, and I trust the motion to strike it out will be defeated.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SHERLEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 41.

So the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and four Members are present—a quorum. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Chairman, it was agreed a while ago to return to section 7 for amendment when section 8 was read.

Mr. FERRIS. Objection was made.

Mr. MANN. Objection was made to returning then.

Mr. FERRIS. There was no unanimous consent given to return. I stated to the gentleman from Illinois [Mr. MANN] that I would endeavor to get back to the section.

Mr. STAFFORD. You did state to me that you would certainly return to the section.

Mr. MANN. There was a question made then whether we did not have a right to amend section 7.

Mr. FERRIS. I stated to the gentleman that later on I would ask unanimous consent. I asked unanimous consent, and I will try again.

Mr. MADDEN. It seems to me it would be desirable and orderly to dispose of section 7 before we go on to anything else, because section 7 closes up the coal proposition which the gentleman from Connecticut presented. But the gentleman from Connecticut objected, but possibly he did not understand. I do not think the gentleman from Connecticut was objecting to closing debate.

Mr. FERRIS. Mr. Chairman, I am perfectly willing to submit the request again if the gentlemen on the other side think it advisable.

Mr. MANN. I think it would be more orderly.

Mr. FERRIS. I ask unanimous consent to recur to section 7 and that it be open for amendment, but that the time for general debate be limited to 25 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to section 7 for the purpose of amendment, and that debate on all amendments be limited to 25 minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, may I have five minutes of that time?

Mr. MANN. Extend the time five minutes.

Mr. DONOVAN. There ought to be some time allowed on this side. Four-fifths of the time is consumed on the other side.

The CHAIRMAN. The gentleman modifies his amendment to 30 minutes.

Mr. DONOVAN. May I have five minutes?

The CHAIRMAN. The Chair hears no objection to the motion to limit the debate to 30 minutes.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, strike out all of lines 13, 14, 15, 16, and 17, down to and including the word "pounds," and insert the following: "All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: For the first 10 years of the period covered by the lease, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 15 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide."

Mr. MONDELL. Mr. Chairman, the amendment I now offer is in line with an amendment I offered to a preceding section, and intended to modify the form of bidding and leasing. The bill now provides for a minimum of 2 cents a ton, and such higher royalty as may be fixed by the Secretary, and a bonus to be secured under a bidding arrangement. My proposition is to have the royalty fixed by Congress and to definitely determine the important provisions of the lease. I hardly expect the committee to adopt a revolutionary modification of their plan, and yet I believe this is the only plan that will be workable, and I hope it is the plan that will ultimately be adopted. With such a plan there goes a provision for preliminary prospecting, which is absolutely essential for development in the West.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STAFFORD. What is the basis on which the gentleman determines the royalty that he provides for the various years?

Mr. MONDELL. If the gentleman will notice, the royalties are advanced as the time passes.

Mr. STAFFORD. Why should they be advanced? Why should they not be the same throughout the entire period of lease?

Mr. MONDELL. Well, because a coal operation generally has pretty hard sledding at the beginning of the enterprise. It must find its market; it must pay the initial cost of installation, of driving of entries, and all that sort of thing. Its market is limited; and if the enterprise is well installed and pays, it can afford to pay a larger royalty after a term of years than it can afford to pay at the beginning.

Mr. STAFFORD. But suppose it makes only a normal profit in the first few years; why should it be penalized by a higher royalty in the next few years when it is shown that it can not make an additional profit?

Mr. MONDELL. It is not penalized at all. I am surprised to hear the gentleman from Wisconsin discuss an amendment of mine as though I were attempting to make it hard for the operators in my country.

Mr. STAFFORD. I did not know whether the gentleman was friendly to this bill or not.

Mr. MONDELL. I am not friendly to the form of the bill. The gentleman will recall that I proposed leasing legislation long before it was had, so that the gentleman can scarcely say that I am unfavorable to the proposition. I did not approve the committee's plan, that is all.

I think that the plan of gradually increasing the royalties is a better one than the plan for fixing the royalties for the entire period. I think it is the only plan that can be made to work.

Now, Mr. Chairman, just a moment with regard to section 8. There has been a good deal of discussion about section 8, particularly the portion relating to municipalities. I do not think anyone need be disturbed over the provision in one way or another. I doubt if any municipality will ever take advantage of that section. It will be an extraordinary situation, indeed, when a municipal government will imagine that it can go into the coal-mining business and secure coal cheaper than it can buy it from mining companies.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 13, noes 26.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment: Insert, on page 5, line 25, after the word "thereafter," the words "not less than," and on page 6, line 1, after the second word "and," insert the same words, "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 25, after the word "thereafter," insert the words "not less than," and on page 6, line 1, after the word "and," where it occurs the second time in the line, insert the words "not less than."

Mr. FERRIS. Mr. Chairman, the committee thinks that makes the language clear, and we are glad to accept it.

Mr. STAFFORD. Question, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. If no other gentleman desires to use the time allotted, the Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out on page 6 the proviso beginning on line 13.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk reads as follows:

Page 6, line 13, after the word "period," strike out the following: "*Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for."

Mr. MONDELL. Mr. Chairman, I can not understand why the committee inserted a provision of that kind in their bill. It can have no effect other than to afford opportunity for tying up coal operations. I can not imagine how anyone would ever take advantage of it except to put an operation in cold storage.

Now, this is the situation under the bill: There is a royalty and a rent. The rent must be paid without regard to operation. If there is operation, the royalty consumes the rent, or the rent is credited on the royalty. But if the output falls below the rent, the rent must be paid in any event.

Now, here is a provision under which the Secretary of the Interior can relieve the operator of the necessity of continuing operation even when there is a market. All that we can require the operator to do at any time or anywhere is to operate as market conditions allow and as he can find a market, and no one should have authority to say to an operator, "You can close your mine; you can keep it closed indefinitely, without regard to the conditions of the market, provided you pay the land rent." Why, you have to pay that under the bill anyway, so that this is simply giving the operator an opportunity to close down his property.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Does the gentleman realize that so far as rent is concerned, although the mine might not be operated for five years, the rent would be paid, but in the sixth year they would be credited the amount of the rent they had paid during the preceding five years?

Mr. MONDELL. They ought not to be, and would not be in any properly drawn coal bill.

Mr. LENROOT. Then why did not the gentleman offer an amendment to change that?

Mr. MONDELL. I intended to offer an amendment to that provision, but there are so many faults in this bill that one can not get an opportunity to offer amendments to all of them. There should not be any provision in any of these bills allowing the rent to be absorbed by the royalty except the rent for the current year. To allow an operator to have credit for rents that have been running for a series of years is simply to encourage him to shut down his property and run his mine with the smallest possible output, if it is to his advantage to do it. Now, that ought not to be allowed.

No public interest is served by this proviso. If it were of any advantage at all to anybody, it would be to an operator who had a market that he did not want to supply for some reason or other. Otherwise he would never think of taking advantage of it. I am not sure that the bill is as clear on that point as it ought to be, but it ought to be clear that he must operate whenever there is a market for his product. That provision would adjust the matter of operation. There should not be any opportunity on the part of the operator to shut down his mine when there is a real demand for coal, putting it in cold storage and depriving the public of the coal.

Mr. GRAHAM of Illinois. Mr. Chairman, while I can not approve of the judgment of the gentleman from Wyoming [Mr. MONDELL], I can very well understand that having given a good deal of attention to a bill on this subject he is not in favor of provisions in this bill which are in conflict with the child of his own brain. As my neighbor, Mr. TAYLOR of Colorado, suggested a moment ago, he is still "harping on my daughter." His mind will reflect back to the creature of his own brain, his bill. It seems to me that in his remarks he reflects in advance rather seriously on some gentleman who will be Secretary of the Interior in the future. He says that when it suits his purpose the operator may shut down the mine; but in saying that the gentleman overlooks the very first line of the proviso—

The Secretary of the Interior may, if in his judgment the public interest shall be subserved thereby.

The operator can not shut down the mine at his own pleasure. He must consult the Secretary of the Interior and have his approval before he can shut down.

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. MONDELL. Does not the gentleman from Illinois think it is a little dangerous to give all this authority to the Secretary, particularly when it is difficult to point out where it is necessary to exercise the authority in the public interest?

Mr. GRAHAM of Illinois. I agree with the gentleman from Wyoming in that regard, and I am not in favor, as a rule, of giving executive officers undue discretionary power; but there are many cases where it is necessary to do it. In legislating you have to choose between difficulties all the time, and if you were to make the provisions absolutely rigid, you would run into greater difficulties than if you gave the officer discretionary power here and there. The work of coal mining is of such an uncertain character, there are so many contingencies and possibilities, that human wisdom can not provide in advance for all those contingencies, and the best way to meet them is to leave it to the wise discretionary power in an officer of such standing as the Secretary of the Interior undoubtedly would be. The Bureau of Mines considers this provision particularly valuable. They write concerning it as follows:

This is one of the practical clauses in the bill, designed to make the same workable in operation. Without said proviso, under the terms of section 7, making the lease continuous, any emergency or exceptional market conditions would compel the forfeiture of the lease if mining operations were not continuous. There may well be periods of industrial stagnation when the demand for the product of the mine will be practically destroyed, or when, because of temporary financial embarrassment or some similar cause, continued operation for a time is impracticable, when the interests of the Government would be amply conserved and at the same time the investment of the lessee would be amply protected by having some such saving provision in the bill. It is only fair to the lessee under such conditions that he should be permitted to hold under the lease upon payment of the advance royalties prescribed by the Secretary, provided the Secretary is satisfied of his good faith in the premises. The leeway given the lessee under the direction of the Secretary by means of this proviso is as much for the Government's advantage as for the lessee's, as it obviates the dismantling of the mining plant. The Secretary can be relied upon to so circumscribe the temporary relief afforded the lessee that the public interests will not suffer.

I think those are wise words, and that the provision is absolutely necessary, because it is beyond the limits of human wisdom to fix provisions now to cover all the cases that might arise in the future.

Mr. TOWNSEND. Mr. Chairman, I want to get from the gentleman in charge of the bill some information that will clear up some doubt in my mind as to the meaning of the language in the beginning of section 7, beginning with line 13:

That for the privilege of mining or extracting the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same.

Offering "the same" what?

Mr. GRAHAM of Illinois. The offering of the leasehold for lease; that is, it shall be uniform. It shall be fixed in advance, so that the personality of the proposed lessee shall not in any way interfere; that all applicants shall have the same opportunity.

Mr. TOWNSEND. It says:

Which shall be fixed in advance of offering the same.

"The same" refers to what?

Mr. GRAHAM of Illinois. The lease.

Mr. TOWNSEND. Does not that assume that the Secretary of the Interior shall have knowledge in advance of all existing coal lands? Does it not ignore the fact that there are just as good geologists prospecting in the West as are occupying positions in the Geological Survey? I think, perhaps, the gentleman will admit that fact. Now, supposing a prospector should discover upon the public lands a deposit of coal unknown to the Secretary of the Interior, how is the Secretary of the Interior to determine what the lease of that shall be, it being an unknown deposit of coal?

Mr. GRAHAM of Illinois. By a careful investigation for the purpose of classifying it.

Mr. TOWNSEND. Then the prospector who discovers it will have to wait until the survey has been made.

Mr. GRAHAM of Illinois. And the classification; yes.

Mr. TOWNSEND. Possibly a year or two?

Mr. GRAHAM of Illinois. Some waiting would be necessary; I can not say how long. There are already 53,000,000 acres withdrawn, and of those 20,000,000 acres have already been classified.

Mr. TOWNSEND. I have read the report with a great deal of interest, and the gentleman who wrote it so skillfully even suggested the question that I put, that there may be in the public lands much coal that has not yet been classified or discovered by the Geological Survey.

Mr. GRAHAM of Illinois. Quite true.

Mr. TOWNSEND. Assuming, then, that some geologist or prospector should find a new bed of coal as a reward for his labor and expenditure of time and money, he is to sit still for a

year, until it is classified, before his rights to a lease can be determined?

Mr. GRAHAM of Illinois. It would be very difficult to frame a bill to which some possible objection might not be urged.

Mr. TOWNSEND. I am not captious about this. I have a great deal of knowledge of the prospector, his life and unhappy attempts to procure a livelihood, and it has occurred to me that some provision might possibly be made in his behalf.

Mr. GRAHAM of Illinois. I was going to add that the law in relation to the discovery of precious metals has no application to the coal lands. Under the law the geologist or prospector who finds such a bed of coal would have no right such as he would have in relation to precious metals.

Mr. TOWNSEND. How would that coal be put into the market?

Mr. GRAHAM of Illinois. It would have to be withdrawn and come under the provisions of this bill.

Mr. TOWNSEND. Consequently there is no inducement whatever for these prospectors or geologists to discover for the Government new coal beds, because they would get no reward.

Mr. GRAHAM of Illinois. No; and that has never been the case. No prospector would spend his time hunting for coal beds.

Mr. TOWNSEND. But they have done so for many years heretofore.

Mr. GRAHAM of Illinois. They have discovered them accidentally, perhaps.

Mr. TOWNSEND. No; they have prospected for them diligently over the lands in California before the discovery of oil.

Mr. GRAHAM of Illinois. On the public lands?

Mr. TOWNSEND. Yes; before the discovery of oil.

Mr. GRAHAM of Illinois. Oil is entirely different from coal. The discoverer of oil has his reward.

Mr. TOWNSEND. I am aware of that fact. The gentleman from Illinois, with a smile at my ignorance, assures me that no one would prospect for coal. I assure him that people have prospected diligently with labor and capital for coal in California. That was in a search for fuel so much needed in that State before the oil discovery.

Mr. GRAHAM of Illinois. The gentleman knows his good friend too well to presume on the gentleman's ignorance, and he is too courteous to smile at it.

Mr. TOWNSEND. I suppose the gentleman from Illinois did not know that I know a great deal about this subject, and that he smiled in a genial way.

Mr. GRAHAM of Illinois. The gentleman from Illinois meant no offense by smiling, and he certainly would not offer any to his friend from New Jersey.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 3 ayes and 18 noes.

So the amendment was rejected.

The Clerk read as follows:

PHOSPHATES.

SEC. 9. That the Secretary of the Interior is hereby authorized to lease to any person qualified under this act any deposits of phosphates or phosphate rock belonging to the United States, under such regulations and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulations adopt.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The provisions of this bill with regard to mining of phosphate, in regard to the working of the Government phosphate lands, provides for a system of royalties to be fixed under lease. The bill evidently contemplates that these royalties shall be bid upon by those desiring to operate the mines. In that respect it differs from the coal provisions that we have just read, which evidently contemplates a bonus rather than an increase of royalties. If this bidding system is wise at all, this form is better than the form contemplated under the coal provisions of the bill. I simply mention that, as the committee may go over the matter later, and they may consider the propriety of changing the provisions relative to coal.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. What is the distinction the gentleman makes between the two?

Mr. MONDELL. If the gentleman from Illinois will refer to the coal provisions, he will find that the first provision in regard to royalty taken in connection with the provision in section 7 would prevent a bidder bidding an increased royalty, because section 7 says that the royalties shall be such as have been fixed in advance of the offer.

Mr. MANN. That is the case here, too.

Mr. MONDELL. In this case the provision is that the royalties may be such as are specified in the lease, which shall not be less than 2 per cent. That is practically the provision in the Alaskan law, and is not followed, as in the coal law, by a provision actually fixing the royalty fixed by the Secretary as the royalty to be paid. So I have assumed that under this language the bidder could bid on royalties, but I may be mistaken.

Mr. MANN. I think the gentleman's position is right. I think there ought to be a chance to bid on royalties. That is the way it was fixed in the Alaskan bill. This provides that the royalties shall be fixed in advance.

Mr. MONDELL. My interpretation of the language was that it refers to a royalty fixed in advance by the Secretary, but that it did not fix that royalty as necessarily the royalty to be paid, but that the royalty could be raised by the bidder. In the case of the coal bill there is a second provision following later on which says that the royalty that shall be paid shall be the royalty fixed in the lease, which is the royalty which the Secretary shall fix in advance.

Mr. MANN. But this section says the royalty specified in the lease shall be fixed in advance. There is no escape from it.

Mr. MONDELL. It is possible that this language really reaches the same situation that the language in the coal bill does. If it does, I think both should be modified, for if these leases are to be let to the highest bidder the bidder, it seems to me, should bid on increased royalties rather than on bonuses; otherwise the man with the biggest bank roll wins. The bonus plan gives the advantage to the man who has cash in hand as against the operator who might be willing to pay a larger royalty, but who would not be in a position to make an investment at the time he opened his mine, and if I am mistaken in my view of the provisions of this section, as the gentleman from Illinois [Mr. MANN] seems to think I am, then I think it requires modification, just as the coal provision does. I do not believe in the bidding plan, but if that is to be the plan adopted it should be with a view of increasing the royalties as fixed by the Secretary.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MANN. Mr. Chairman, I have already expressed the opinion on the coal provisions of the bill that there ought to be a chance in bidding to bid either on royalty or on rental. The bill gives no such opportunity. It requires, if there is to be any bidding, that there shall be a cash bonus, as I read the bill. The royalty is fixed in advance, and the rental is fixed in advance, upon the supposition, which undoubtedly the department entertained, that it can tell as between different coal deposits exactly what a man can afford to pay for the mining of the coal. I do not think they have that omnipotence myself, and, of course, where you require a cash bonus and a bid as to how much people will pay as a cash bonus, you give the preference entirely to large corporations. But I notice in this section now under consideration a provision in regard to bidding, that it shall be through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulations adopt. That throws it open in the widest way for personal favoritism. It cuts off public advertising. It permits public advertising, but it does not require it.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. The gentleman will recall that in the Alaska coal bill, where the lignite had value only for local use, and probably never would have sufficient value to warrant paying the shipping expenses, we allowed the Secretary to dispose of it other than by competitive bids, as the committee thought that would be less expensive than the competition plan would stand. The gentleman is well aware that in neither the department nor in Congress is there anyone to be found who knows all about phosphates. We all hope that the phosphates are much more bulky than we now know about, and neither does anybody know all and everything about handling phosphates in the West. The freight rates have been prohibitive. What little phosphates have been handled have been in Tennessee and Florida, were the soil is beginning to play out; but out in the West the thought of the department was that we better express strong preference for competitive bidding, but also that we better give the Secretary considerable latitude to work out a plan, to at least get something going on in the matter of phosphates, where the bulkiness and the weight and the heaviness of it would in most cases be prohibitive, anyway. In the dry soil of the West, where they have little rain to drain and soak the land, they do not need as much phosphate on the ground as they do in the more humid areas, and for that reason we have to get the phosphate proposition down to a shipping basis to amount to anything. It was thought for that reason that we better leave a little latitude in the Secretary. The committee, however, is not wedded to any certain

plan, and would be very glad to consider any suggestion or amendment the gentleman might make.

Mr. MANN. Mr. Chairman, I would strike out that part which says "or such other methods as the Secretary of the Interior may by general regulations adopt."

I think that is leaving a dangerous power in the hands of the Secretary of the Interior. I do not raise any question but that the Secretary himself would do what is proper, but everywhere in the departments of the Government there are men who get inside information and sometimes want to make use of it. The gentleman speaks of phosphates. I do not know as to the relative needs as between humid and dry lands. On the farm in which I have some interest in Illinois we have purchased phosphates by the carload, coming from Tennessee—phosphate rock which is sometimes ground up and sometimes is not ground up.

Mr. FERRIS. The gentleman understood me to say that it was more needed in the humid areas than in the West.

Mr. MANN. Yes; but I did not suppose the gentleman knew, and I did not take him seriously. In the West they have not yet discovered that they need to take care of the land. They are exhausting the land. We have discovered farther east that you can not keep on forever taking crops off land without putting back some of the natural elements which go to make up crops.

Mr. GRAHAM of Illinois. Mr. Chairman, the difficulty that confronted the committee, so far as public lands which have phosphate in them are concerned, was that the committee had not any specific information, and the committee feared that if it attempted to fix the details they might be such as to prevent the development of phosphate beds altogether.

Mr. MANN. Yes; but the committee does attempt to fix details. What it does is to say that a man must pay a rental of so much an acre, and then he must pay 2 per cent of the value of the phosphate in the mine in the months following its taking out, although it may not yet be sold. I would not do that. It is desirable to let the farmers have the phosphates upon the cheapest possible basis, but if you are going to let people take the phosphate why should it not be on competitive bidding?

Mr. GRAHAM of Illinois. It was the committee's notion that the Secretary of the Interior at the time would have a much better opportunity to know the environment and meet all the conditions than we could even by an arrangement for competitive bidding.

Mr. MANN. But the Secretary of the Interior under this has to do this by general regulations. I think the Secretary of the Interior should have the power where phosphate land is made use of to take out the phosphate to keep the price down to a reasonable basis. Here is a phosphate deposit, we will say. I suppose none of the phosphate deposits are of very great value, because there is a good deal of phosphate rock in the country, and yet they are of some value. The desirable thing to-day is to have that phosphate taken out and, if it is rock, ground up or broken up, whatever method is used, so that it may be furnished to the farmer as cheaply as possible. I do not think we ought to permit the owner of that land to charge an exorbitant price to the farmer, but the Government does not want to make any profit out of that as against furnishing it to the farmer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Give me two more minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The phosphate that goes on farming land is not consumed by the farmer——

Mr. GRAHAM of Illinois. That is the idea of the committee.

Mr. MANN. It goes to the benefit of the whole country. It produces larger crops. It cheapens the cost of the food which we eat, and while not taking away from the profit of the farmer who raises it it makes it cost less to the consumer. Now, I think this is an entirely different proposition from that.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. MANN. I do.

Mr. FERRIS. I quite agree with the gentleman and coincide with everything that he says, but let me submit this: If you put it on a cold competitive basis in every case, might not you do the thing which the gentleman's argument says we should not do?

Mr. MANN. Well, there is danger of that unless the Secretary has some power to control the cost at which the article is sold to the consumer.

Mr. FERRIS. The gentleman knows that is a pretty difficult question to get at.

Mr. MANN. I understand that it is rather a difficult question, but everybody ought to be on the same footing in the matter. What I object to in governmental legislation is giving a preference to one man who has a pull over another man who does not have a pull, and I have heard of times where people were supposed to get favors or rights, or whatever you might call them, from different departments of the Government by political pull or any kind of pull.

Mr. LENROOT. Mr. Chairman, it is my recollection that the committee, in considering this matter, had in mind this, that phosphate rock is used in two forms—one, which is quite expensive, is in the reduction of the rock to the phosphates themselves; another method of use is merely the grinding of the phosphate rock and putting it upon the land in the raw state—and it was thought by the representatives of the department who appeared before the committee that there were areas in the United States where the localities might use them, would use them, in the raw state, and therefore there should be a discretion upon the part of the Secretary of the Interior, having that particular thing in mind. It is only where the phosphate rock is reduced, where it involves large expense, that the necessity for competitive bidding would arise; that in other cases it would be the same as in the case of the low lignite coals in Alaska. Another word, Mr. Chairman, in reference to this question of royalty. I am greatly in sympathy with what the gentleman from Illinois [Mr. MANN] said as to whether there should be a bidding upon the royalty or upon the bonus only. I desire to call attention to the fact that in the Alaska coal railroad bill an amendment was made that cut out the provision requiring the Secretary to fix royalties in advance, and as a result, unless it shall be changed, if it shall remain the law as amended by the House, it will permit monopoly in Alaska to the utmost extent, because as the bill now stands, if the bill should be amended cutting out the fixing of royalty in advance, the Secretary of the Interior, if he offers a lease at all, he must offer it upon the minimum royalty, and if anyone bids the amount of the minimum royalty or in excess of it, the Secretary of the Interior would be compelled to accept that bid.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MANN. As I read that bill, it does not require the Secretary of the Interior to offer upon the minimum royalty at all. The Secretary of the Interior can not offer an Alaska coal lease for less than the minimum royalty, but he can add as much more as he pleases.

Mr. LENROOT. I differ with the gentleman, because the bill in itself fixes the minimum royalty, and there is no word in the bill that authorizes the Secretary of the Interior to fix a higher minimum.

Mr. MANN. Oh, I think the gentleman is entirely mistaken.

Mr. LENROOT. I have examined the bill most carefully.

Mr. MANN. The fact that the gentleman thinks so, of course, shows doubt about it. I examined it most carefully before I offered the amendment which I did upon the floor, and I say the Secretary of the Interior clearly has the power under the Alaska bill in offering coal lands to fix a royalty of 8 cents a ton, if he wants to, or 3 cents a ton, if he wants to; anything which is not less than 2 cents a ton, which is the minimum royalty permitted, but he can fix as much more as he pleases.

Mr. LENROOT. I shall be greatly interested and relieved if the gentleman will show me where that power is vested in the Secretary.

Mr. MANN. I have no question about it.

Mr. LENROOT. I will say to the gentleman I have had occasion to consider that with the departmental officials since it came to my attention, and they give it the same construction I do, and I only say that, Mr. Chairman, for the purpose of calling attention to the danger of amending this bill, which involves the same provision in an important particular as this, unless it shall be followed with other amendments clearly authorizing the Secretary of the Interior to fix the minimum royalty.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. FERRIS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate shall close on this paragraph.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of five minutes all debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, before we get entirely away from the coal clauses in this mineral-leasing bill, I want to call attention to what may be considered the first gun in bureaucratic agitation for Government-owned and Government-built railroads. I refer to the prospectus that has been put out in order to solicit bids for the timber in the Kaibab Forest Reserve, which lies in New Mexico, just below Utah, and which runs down to the Grand Canyon of the Colorado. The most likely route to this great forest reserve is from Salt Lake.

On the way down to the Kaibab Forest Reserve are four gigantic Utah counties, within the boundaries of which lie a great coal field. In the argument put forth by a department of this Government for the necessity of a $3,000,000 railroad in order to get the timber out of the Kaibab Forest Reserve, which consists of 1,000,000 acres, and up to Salt Lake, which is about the only route, your governmental officers argue that the opening of this coal field will be to the profit of the railroad. The coal field would be directly tapped by a railroad to the Kaibab Forest.

Now, we who have been listening to debate on this bill have found that in the leasing of coal areas on the public domain particular arrangement has been made in this bill so that a railroad shall not participate in the opening of any coal mine. So you are going to find in the course of time the Government cutting down the price of stumpage in this forest reserve to induce private capital to build that $3,000,000 railroad; or, if the Government builds that railroad, we will find that we have debarred the Government from the use of that coal. This official prospectus says that if some one will only put $2,750,000 in this Kaibab Forest proposition down there, the investor can, by counting up what he can make by freighting logs, hogs, cattle, and hay—a logging road, mind you—make further money by carrying passengers. The investor's chances are good for making $164,000 annually, or $264,000 if figured in connection with milling. This is all put down here—the cost of milling and logging operations and operations of all kinds—looking very good, indeed. No taxes, no employers' liability. Where, oh where, is the man with $3,000,000?

This is a most remarkable document—an invitation to bidders to come on and try to get that timber in a locality where the people have offered for years past every kind of bonus and inducement that could be offered to induce capital to build such a railroad. Now is the time for those who are advocating these leasing systems to pay some attention to what must ultimately follow. The building of railroads by the Government is urged, if we are to develop the forest reserves and adjacent country, including great coal and other tracts that under these bills are bound to be laid aside, except where they exist near dense population, where all the conditions are alluring.

I feel sure that the Representatives from Utah and New Mexico would advocate the building of this particular railroad to the Kaibab. I would like to see railroads into the three reserves in the district I have the honor to represent. And so it will go until the clamor will be irresistible, backed up, as it will be, by departments, bureaus, experts, and agents.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4274. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The message also announced that the President had approved and signed joint resolution of the following title:

S. J. Res. 121. Joint resolution authorizing the President to accept an invitation to participate in an International Exposition of Sea Fishery Industries.

EXPLORATION FOR COAL, ETC.

The committee resumed its session.

The CHAIRMAN (Mr. HAY). The Clerk will read:

The Clerk read as follows:

SEC. 11. That for the privilege of mining or extracting the phosphates or phosphate rock covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall not be less than 2 per cent of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each month succeeding that of the extraction of the phosphates or phosphate rock from the mine, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

I spoke a moment ago about this system of bidding, royalties, bonuses, and so forth. At that time I was inclined to think that under this section it would be possible for the intending lessee in making his bid to bid a royalty and a rent above that fixed by the Secretary, and that the letting of the lease would be determined largely by the amount so bid. The gentleman from Illinois [Mr. MANN] did not agree with my view of it, and I understand that the gentleman from Wisconsin does not. After reading the section again, I am not sure that I was right. If these gentlemen are right, then this section has the same faults that the coal sections have, to which I have referred. It is proposed to leave to the Secretary of the Interior the entire question of royalties, and all the bidder can do is to bid a bonus. Clearly that gives advantage to the man with a large bank account or who can secure large sums in cash. It further has this fault, that there unquestionably will be cases where the Secretary will find it very difficult to determine in advance what would be a fair royalty, and still he must accept a royalty; that he fixes in advance.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GREEN of Iowa. Can not the gentleman go even further and say it would put it absolutely out of the power of the man with small capital to bid on these areas, for the reason that he would not have the money to advance, and that it puts a monopoly of it in the hands of large capital?

Mr. LENROOT. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. LENROOT. All the gentlemen assume in their discussion that this must be a cash bonus paid down. I ask where the gentlemen get any such construction or idea? Is there anything to prevent a bidder from bidding certain sums to pay in annually, if they choose, during the life of a lease, in addition to the royalty?

Mr. MONDELL. I admit I do not know what curious propositions might be advanced by a bidder. My understanding is that this plan was imported from Oklahoma, and that in Oklahoma they bid a cash bonus. Am I correct about that?

Mr. FERRIS. I did not follow the gentleman.

Mr. MONDELL. I have said that my understanding is that this plan was adopted from a plan that has been in use in Oklahoma, this plan of bidding, and that down there the bidders have all cash bonuses.

Mr. FERRIS. If the gentleman will yield just a moment I will state to him just what the situation is.

In my State the land leased is Indian lands, and, as the gentleman knows, coal deposits and oil and gas deposits on the unallotted lands are held by the Federal Government for the Indian, who is a ward of the Government. And they have pursued that policy with the oil and coal lands and with other reserved land. While I suppose there are objections there, and frailties, as elsewhere, it has proven a very good plan and great development is going on. I will state to the gentleman that our State, as far as I know, is the only State where they lease practically all of the deposits. I have a schedule here of all the land in each State that is being mined at all for coal, oil, or gas, and, probably to the gentleman's amazement, in my State practically all of it is being leased. And while, as I say, we have frailties and troubles there, as well as elsewhere, it appears to be the best way to handle it for the Indian.

If the land had not been leased for coal and oil and gas, it would have been lying there and the cattlemen would have been paying about 3 cents an acre for grazing purposes, whereas the royalties from coal and the royalties from oil the Government is collecting for them and putting in the Indian funds amounts to a large sum that will go to the use of the Indian in the future rather than force the Federal Government to support them from Federal Government funds. The plan is not a new one. It is employed right along by most all of the Western States that own State lands.

Mr. MONDELL. The gentleman did not understand my question exactly.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. The gentleman has eloquently stated the benefits of leasing in his State. There is no controversy. I guess, among the most of us as to the propriety of leasing some of these lands one way or another. The question is as to the form and plan.

My understanding is, as I said a moment ago, that this plan of fixing a royalty in advance and the rent in advance and then calling for bids for bonuses is a plan that we inherit from Oklahoma, and it may be all right where the land belongs to the Indians and we are trying to get the very largest sum for the Indians without much regard to the other factors of the situation, and where the coal is mostly mined by a few great coal companies, principally the railroads, and where there is largely a monopoly of coal mining. I do not know that it is a harmful one, but it is largely controlled by a few great companies. Now, we are not proposing any such plan as this here. We are endeavoring to divide up these mines. The plan of the bill is that no one person shall be interested in more than one lease. I do not think that is practicable, when you take into consideration the vast areas over which coal is mined in the United States. But, at any rate, that is the plan of the bill.

Now, I do not approve of the bidding plan at all. I do not think it is wise. I do not think it is workable. But if we are to have a bidding plan, the bidder should be allowed to bid on royalties and rent, just as the gentleman from Illinois has suggested. Even that hardly gives everyone an equal opportunity, because even in that case the man with the largest bank roll can probably pay the largest rent and the largest royalties. At any rate, it does practically keep out the man who does not happen to have a large amount of cash on hand, so that the plan is not only faulty as a whole, as I see it, but it is also peculiarly faulty in detail, in that it invites bids for bonuses, which only men with considerable capital can afford to give.

We should lease these phosphate lands under conditions which will make the production of phosphate as cheap as possible. We should surround them with no conditions that will enhance the price of phosphate. It is an exceedingly necessary article. We do not mine phosphate out in the West, in the territory that will be affected by this bill, as cheaply as it is mined in the South and Southeast or as cheaply as it is mined abroad. Labor is high, and the rock has to be mined under heavy cover and taken out as coal would be. It can not be quarried as it is in many other places, and it costs a good deal to bring it to the surface. It is a long distance to most of the territory where a large market is found. The result is that the rock must be produced very cheaply if it is to be mined out there in any considerable quantity.

The gentleman from Illinois has objected to the portion of the section which, after reciting the methods under which the Secretary may lease, gives him authority to lease in any way he sees fit. In other words, having laid down some rather loose and not altogether adequate rules, we say that, after all, the Secretary need not regard any of these rules if he does not want to.

That is not good legislation. The rule should be the same with regard to all of these enterprises. There should not be an opportunity for favoritism, as there will be under provisions of that sort. There is a provision of that sort in the Alaskan coal bill. There is a provision of that sort in the coal section that we have just passed over, and all of these provisions will afford opportunity for favoritism, and will, in my opinion, unquestionably lead to scandal.

Mr. GREEN of Iowa rose.

Mr. FERRIS. Mr. Chairman, I ask that the debate close on this paragraph at the expiration of five minutes.

Mr. GREEN of Iowa. Three minutes is all I want, so far as I am concerned.

Mr. FERRIS. Make it three minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on this paragraph close in three minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I do not think the suggestion offered by the distinguished gentleman from Wisconsin [Mr. LENROOT] answered the objection which I made to this provision. The man with small means can no more afford to take the risk of being absolutely obliged to pay a certain sum because it is distributed over a number of years than he could if it were fixed for him to pay at a particular time. In order that he should make any bids and undertake to mine these rocks he must know that he will have something out of his mining operations with which to make his payments, and the royalty system is the only plan by which he can have that knowledge. It is the only system under which he would not be obliged to pay unless he got something out of which he could make his payments.

If the royalty system is enforced and put into operation by the bill, then the small operator would need but little means, possibly none at all, in order to make his bids, because as soon as he got his rock out of the mine and it was found that he was subject to the payment of royalty he would have value which anybody could see upon which to raise money to pay the royalty.

That is all there is in this situation. I object to the provision, because it cuts out the man with small means, and because it does not give to everyone an equal opportunity.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OIL AND GAS.

SEC. 13. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 640 acres of lands wherein such deposits belong to the United States and are located within 10 miles from any producing oil or gas well, and upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are situated over 10 miles from any producing oil or gas well, upon condition that the permittee shall begin mining operations within four months from the date of the permit, and shall, within one year from and after the date of permit, drill an oil or gas well to a depth of not less than 500 feet, and shall, within two years from the date of the permit, drill oil or gas wells aggregating in depth not less than 2,000 feet. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a square or rectangular tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will identify the land, stating the amount thereof in acres, he shall, during the period of 30 days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with permanent monuments, so that the boundaries can be readily traced, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits may be granted for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet within three years from date of the permit and to an aggregate depth of not less than 2,000 feet within four years from date of permit: *And provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with permanent monuments within one year after receiving such permit.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 13 and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting to holders thereof the exclusive right to prospect for oil and gas on the vacant public lands of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein, and to execute leases authorizing the lessee to produce and remove oil and gas from such lands. No license shall pertain to an area of more than 2,560 acres, and no lease shall pertain to an area of more than 640 acres, and all such areas shall be in reasonably compact form, and not more than 3 miles in extreme length in the case of a prospecting license and not more than 1½ miles in the case of a lease, and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting license shall be issued for a longer period than three years. All licensees shall pay yearly in advance a fee or rental of 5 cents per acre for the land covered by their license. Lessees shall pay in advance a rental of 10 cents per acre for the first calendar year or fraction thereof, 25 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty of one-tenth of the value, at the well, of all oil and gas produced. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years, upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"SEC. 2. That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a license to prospect for, or a lease to

produce and remove oil and gas from the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein."

Mr. MONDELL. Mr. Chairman, the amendment that I have offered provides for a prospecting permit, as the section which is under consideration does, and it provides for leases at a fixed royalty for such portions of the land covered by the prospecting permit as the lessee may desire within certain limits of area, the limits of the lease being the same as those prescribed in this section.

My amendment does not contemplate, as this section does, the patenting of oil lands. I realize that there is a good deal of sentiment in the western country in favor of the provision contained in this bill for the issuance of a fee title to a certain portion of land. The trouble about that is that it greatly complicates the situation, and in the majority of cases it would be more to the advantage of the operator and more to the public interest if the entire plan were confined to leases of sufficient size to make drilling and operating attractive.

My own view is that if we are going into the leasing business we should not have that plan in any way involved or complicated by a system of patents or individual rights in fee. There is another objection to that provision. In order to give the permittee under this section the right which he is given in another section to secure a title in fee to a certain part of his land and harmonize with the other sections of the bill his rights are very greatly limited; so greatly limited that I doubt if it will be possible to secure any considerable amount of development in a new field, where so-called wildcatting must be carried on, where the driller goes in with just a shadow of hope that he may secure oil, and where the chances are always largely against him. It is proposed to give the prospector in a new field, the wildcatter, the title to 160 acres of land and to give him no preference in the matter of leasing the remainder of the lands embraced within his permit.

First there is the question as to whether we should give him a fee simple title to any of the land. If we do it, we should give him enough under the bill to warrant his undertaking, particularly if the drilling is deep and expensive. Of course 1 man in 10,000 will strike a spouter. The average driller, however, must enter upon this work with the understanding that the chances are against him, and he must have some considerable incentive held out to him, or else he will not take an expensive rig into a new territory and go to the very great expense—all the way from $10,000 to $100 000—of bringing in the first well in a new field, with the possibility—in fact the more than even chance—that he will get nothing. It seems to me the plan is faulty in two respects; first, in complicating the leasing plan by adding to it a plan of ownership in fee, and, second, in not giving the driller in a new field sufficient incentive to warrant his undertaking. Let us have a leasing plan liberal enough to aid development, or if we are to have a leasing and ownership plan let us make that liberal enough to encourage development.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. COOPER. Mr. Chairman, I should like to have some member of the committee explain why they put in a provision which permits the patenting of oil lands in fee.

Mr. FERRIS. I am glad to answer the gentleman. I might, if I had the time, answer him more eloquently by reading what the department says. The thought is this: In the West no one can tell where oil can be found. It is an expensive, heavy proposition to discover it, to drill for it, to develop it. The Secretary of the Interior thought that if he could offer the inducement of one-fourth the area developed as a bait, as an inducement, as an encouragement for men with oil-drilling rigs to go out and find the oil, reserving three-fourths to the Government, it would be well worth their while. There are men who make it a business, year in and year out, of going from place to place with derrick and drill, and these men are constantly pounding away trying to find oil.

Mr. COOPER. Why would not that same idea apply to any other sort of prospector?

Mr. FERRIS. It does apply to the prospector for precious metals. As the gentleman knows, the prospector for precious metals gets the entire area. But it is not true as to the coal. We know pretty definitely where the coal is. We know pretty definitely where the phosphates are and where the potassium and sodium are, but no living soul knows where oil will be found. No one supposed that oil would be found in Oklahoma, and years ago even the Indians would not go there until compelled to do so. White men likewise hesitated to go there to make their homes. Yet to-day oil is being found all over that State. Years ago no one thought Illinois had oil. Years ago no one thought Indiana had oil. Years ago no one thought California had oil; still to-day she is second only to Oklahoma in the production of oil. Yet California is still a public-land State. My thought is that if you can get men to devote their experience and their money to going out and developing oil fields, the Government will get three-fourths of the oil land discovered every time that the oil prospector gets one-fourth. In California they have to go down 2,000 feet to strike oil. It costs from $5,000 to $10,000 to drill a single well. Sometimes they will lose a drill at the bottom of a well 1,500 feet deep. Then they have got to buy a new drill and put up a new derrick and begin all over again, because they can not drill through the steel-point drill that is in the bottom of the well.

The department, in two very able dissertations on the subject, thought that if we could reserve three-fourths to the Government and give the prospector one-fourth we would do all we could hope to do and get development. That was the idea of the committee. That plan has been well thought out. There should be reward where reward is due. The man that finds oil is entitled to at least one-fourth of the find. But for his energy, probably the land would pass to private ownership as a part of some homestead and the Government would get nothing.

Mr. BATHRICK. Will the gentleman allow me to interrupt him?

Mr. FERRIS. I yield to the gentleman from Ohio.

Mr. BATHRICK. What is it expected to do with the other three-fourths? Does this bill provide that the Government shall retain them?

Mr. FERRIS. For leasing, yes; on a royalty basis. As the gentleman knows, the Navy has practically abandoned the use of coal. The Navy uses oil nearly altogether.

Mr. BATHRICK. Is there any purpose of the Government to try to get oil for the Navy? That is a subject in which I am interested.

Mr. FERRIS. Oh, undoubtedly, if there is undiscovered oil in the West and the Government can induce men with oil drills and experience to go out and find it, and it only has to surrender one-fourth of the land, it is an inducement.

Mr. BATHRICK. Let me make myself clear. Is it the intention of the Government to produce oil on its own behalf?

Mr. FERRIS. I do not think so, unless there be an emergency. Of course, the thought is to lease three-fourths of the land to private oil drillers, who will go ahead and produce the oil and pay a royalty to the Government.

Mr. BATHRICK. Then the Government will not be materially benefited in the matter of the production of oil for the use of the Navy, except as heretofore, by buying it and paying for it.

Mr. FERRIS. Why not? The Government receives a royalty from every barrel of oil produced from the leased area under the bill.

Mr. BATHRICK. That is very true; but the Government has oil lands, and the Government might produce the oil and save an immense amount of money if it chose to do so. The mere payment of a royalty by a private lessee will not help the situation any.

Mr. FERRIS. As the gentleman knows, the way the Government will produce the oil will be to hire some man with an oil drill to produce it.

Mr. BATHRICK. Here are 160 acres on which oil has been proved to be located. Why have not you provided that the Government may go on the section which is thus proven to have oil and get oil for itself? That is no risk.

Mr. FERRIS. Congress has the right to do it, and we provide how they may lease it and reserve the royalty for the Government. We do not now launch the Government in actual oil drilling.

Mr. BATHRICK. One other question. In the bill you provide that the lessee is obliged to drill 500 feet and 2,500 feet. What is the use of that if the oil or gas is procured at a lesser depth?

Mr. FERRIS. We thought if they should drill more wells it would make the field more valuable and certain.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BATHRICK. Now, the gentleman knows that after a well is drilled, the geological formation will indicate practically whether there is any oil to a very considerable depth below the point where they get the oil in paying quantities.

Mr. FERRIS. Let me suggest that my experience does not quite coincide with that of the gentleman. In California in the Coalinga and San Joaquin field there is an oil pool 125 miles in length and 2 or 3 miles wide. If you drill 3 miles on either side you strike a dry well, or what is called in oil parlance a "duster," and in a duster you get nothing. You can not lay down any fixed rule in regard to oil wells.

Mr. BATHRICK. Will not the gentleman concede that you can lay down this rule, that if they procure oil and gas at less than 500 or 2,500 feet, the Government ought not to make them drill any deeper?

Mr. FERRIS. It does not. The gentleman from Ohio, Mr. WHITE, and the gentleman from Ohio, Mr. BATHRICK, have both suggested that the language might be misinterpreted; that the provision might mean that after they had drilled and struck oil they must drill still farther. There is no such purpose intended here; it is merely that there should be drilling during the first year of 500 feet, and in two years they should drill to the extent of 2,000 feet; but if they strike it at 1,000 feet, drilling then in two wells, they will fulfill the requirement and not have to drill any farther. The oil people that appeared at the hearing agreed to that. They appeared before the committee.

Mr. BATHRICK. Your construction is that they should drill wells aggregating in depth 2,500 feet?

Mr. FERRIS. Yes; I think the gentleman's colleague, Mr. WHITE, has an amendment that makes that clear.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. FOSTER. Mr. Chairman, I think the gentleman from Oklahoma is possibly mistaken. This says "oil and gas wells shall be drilled to a depth of not less than 500 feet." That means 500 feet in one well.

Mr. FERRIS. That was the suggestion of the gentlemen from Ohio [Mr. WHITE and Mr. BATHRICK]. That was not our intention. It was our intention to require the drilling of 500 linear feet the first year and a total of 2,000 linear feet during the second years in one or a dozen wells, as they might elect.

Mr. FOSTER. I do not think the language is clear.

Mr. FERRIS. The gentleman from Ohio [Mr. WHITE] has an amendment that will perhaps make it clearer.

Mr. COOPER. Will the gentleman yield? When the patentee has secured his patent to the land, then he drills. He pays no royalty on that oil, does he?

Mr. FERRIS. Not on the one-quarter that is patented to him; but he surrenders the three-quarters contained in his preliminary permit back to the Government, which is then upon surrender proven territory and which the Government can lease or drill as it pleases.

Mr. COOPER. What objection would there be to requiring the man who gets that quarter in fee to get it on the condition that he shall pay a royalty on the oil?

Mr. FERRIS. I think the gentleman from Wisconsin will recognize that this is the stimulus that causes the oil man to go out and hunt for oil. The gentleman from Wisconsin must realize that thousands and thousands of dollars are spent by men who never find oil. This is a salutary provision, and will accomplish great good for the Government.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. I want to interrupt, if I may be allowed to make an observation, if the gentleman from Wisconsin will allow it.

Mr. COOPER. With pleasure.

Mr. DONOVAN. I want to suggest to the gentleman and the chairman that they are very discourteous to the gentleman from Wyoming. They are not considering the amendment of the gentleman from Wyoming, but are considering a section of the bill. It is very discourteous to the gentleman from Wyoming to treat his amendment as of no concern.

Mr. MANN. Mr. Chairman, the gentleman from Connecticut is in error, as he frequently is. The amendment of the gentleman from Wyoming is to strike out a provision in the bill, so that we are considering the original proposition in the bill.

Now, I would like to ask the gentleman from Oklahoma, suppose there is a field where no oil is known; somebody gets the right to prospect upon it and sinks a well and discovers oil; what, then, are the rights of the people and the Government concerning the adjoining territory?

Mr. FERRIS. It is all withdrawn; and when offered by the Secretary for lease after it is blocked out, the man who makes the discovery under the preliminary permit, which holds good for two years, could upon discovery go in and take out one quarter of the area covered by the permit, and say "I want a patent to that."

Mr. MANN. I have heard that stated several times. That is not the point I want to get at.

Mr. FERRIS. I was going to come to it.

Mr. LENROOT. I think the gentleman is inaccurate when he says that it is all withdrawn; it is the area in the prospecting permit.

Mr. MANN. A man discovers oil, and how much does he get, 640 acres?

Mr. FERRIS. Outside of the 10-mile limit.

Mr. MANN. And the Government has reserved three other sections under this.

Mr. FERRIS. That is right.

Mr. MANN. The section that a man takes may be on the outside edge. It has to be somewhere on the outer edge of those four sections.

Mr. FERRIS. It may be by legal subdivision, anyway he wants it.

Mr. MANN. What becomes of the next property to his? There is oil there and it is known that there is oil there.

Mr. FERRIS. The Government will lease it without the preliminary permit and without any patent.

Mr. MANN. Why can not anyone get a right to prospect upon it?

Mr. FERRIS. Because the department has the right to withhold the issuance of a prospector's permit to anyone who seeks to get it if it is known as oil territory.

Mr. MANN. Where is that provision?

Mr. FERRIS. That is in the bill, as I recall. We put it in.

Mr. MANN. Where is it? There is the provision "under such rules and regulations as he may prescribe," but those rules and regulations are made before the oil is discovered, and they give anyone the right to go on and prospect for the oil. I do not see where the Government has any protection at all.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LENROOT. The rules and regulations can not authorize anyone to go on the land and prospect. He must first have a permit.

Mr. MANN. He gets his permit under rules and regulations, which are fixed in advance. Here is a territory where there is no oil. You sink a well and discover oil. You know that all the oil is not going to come out through that one well. When you find an oil field it is a considerable field. You know that the moment you sink one well and discover oil. Under this bill it is possible for other people, knowing there is oil there, to go ahead and get a permit for prospecting on 640 acres, sink a well which they know will strike oil, and then get 160 acres free.

Mr. FERRIS. Of course, the gentleman is talking about a matter that is of keen importance, because, of course, when A, who is a permittee, strikes oil, naturally, the excitement begins and, naturally, the clamor to get leases will begin. But in the last analysis and in the first line of the section, and later by an entire paragraph, the Secretary is authorized to issue rules and regulations to carry this into effect; and, in addition to this, on page 10, lines 2, 3, 4, and 5, in that part of the paragraph, after an oil well is struck, then a permit will not issue within 10 miles of that, anyway.

Mr. MANN. But that is just the mistake the gentleman makes. It expressly provides for the issuance of a permit within 10 miles but gives only 160 acres, but, as far as I read the bill, it makes a present of 160 acres of oil land to anyone who chooses to sink a well in the territory where oil has already been discovered.

Mr. FERRIS. There is no one on the committee and no one in the department who thinks that in a known oil territory there ought to be a prospector's permit issued. While I can not turn to that provision just for the moment, I think it is in. Anyway it is in the regulations, and the authority is vested in the Secretary to take care of that.

Mr. MANN. The gentleman can not turn to it because it is not in the bill.

Mr. FERRIS. It will be in the regulations, then, and if the gentleman thinks that it ought to go into the bill I am very willing to have it go in.

Mr. MANN. The regulations are fixed in advance, and they contemplate the granting of a prospector's permit within 10 miles of a known oil field.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Of course, I understand the desire of the committee. I think what they endeavored to do is eminently correct. They want to encourage prospectors to find unknown oil fields, and if they find an unknown oil field they want to reward them by giving them a patent for one-quarter of 640 acres, or one-quarter of four sections.

Mr. FERRIS. Yes.

Mr. MANN. But where you have a known oil field and you expressly provide for giving a permit within 10 miles of a producing oil or gas well, that will be an unknown field, and a man goes ahead and seeks his permit and gets it and sinks a well which he knows will strike oil, and he gets a patent for 160 acres.

Mr. FERRIS. Mr. Chairman, agreeing fully with what the gentleman says about the advisability of not allowing any permit or patent at all to a known oil area, and I do not think there should be, yet can the gentleman conceive of a Secretary who would issue a preliminary permit to anyone where the field was known to be an oil field or proven territory, and would not the Secretary, with the Geological Survey and other various representatives of the Government, know the facts as soon as anyone else?

Mr. MANN. Take my State, for instance. I can remember when they were boring for oil and gas at one time in or near Champaign, Ill. I subscribed to some stock for an oil or a gas well at that place. It was just above the line where they find it now. Nobody seriously thought that there was any oil in that part of the country, but they hoped to find it. Right south, in the district represented by my colleague, Dr. FOSTER, they have discovered great oil fields. If you find a field here on one section, you know there is oil in that general locality. I do not see anything to prevent anyone getting land under this bill. The regulations are made in advance. However, I desire to know what the effect of this is on the disputed oil lands in California?

Mr. FERRIS. As the bill stands, it does not affect them one way or the other. The gentleman from California [Mr. CHURCH] is hopeful of having something added that will convert those now clamoring for patents into lessees.

Mr. MANN. Why does not it cover them?

Mr. FERRIS. Because that land is segregated by application for a patent.

Mr. MANN. Oh, I know; but this covers everything; this bill covers——

Mr. FERRIS. It does not cover land that is segregated, of course. No more does it apply to segregated land than to deeded land. I feel sure I am correct about that.

Mr. MANN. It covers land that has been withdrawn; it covers everything that the Government has.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. LENROOT. It would cover these lands, except that the Secretary of the Interior in his discretion would not issue these permits.

Mr. FERRIS. I think it will cover them when finally adjudicated and wound up, because an application for patent or entry would not then be segregated and the land would be taken out of the operation of the law. I do not think it would touch the other until finally adjudicated.

Mr. MANN. Is not the Secretary required to make a lease under this bill if anybody applies for it?

Mr. FERRIS. I do not think so.

Mr. MANN. Well, the language in the bill in one case says, "may be leased."

Mr. FERRIS. The committee did not intend to force the Secretary to make a permit or a lease in every instance——

Mr. MANN. I am not so sure it does not. The committee in the Alaska bill, as it did in the coal provision of this bill, required the Secretary to make a lease; as the bill was reported to the House as prepared by the department the Secretary had no discretion about that at all. He must make the lease if anyone applies for it.

Mr. FERRIS. The bill was amended so as to put it within the discretion of the Secretary.

Mr. MANN. Is it the intention to amend this provision?

Mr. LENROOT. The language is not the same.

Mr. MANN. I know it is not. It says, "may lease."

Mr. FERRIS. I think it ought to be within his discretion.

Mr. LENROOT. The language of the other two bills was mandatory upon the Secretary to lease.

Mr. MANN. Yes.

Mr. LENROOT. This is discretional.

Mr. MANN. He may lease; that is the only way it is discretional.

Mr. FERRIS. We might put in the words if there is doubt about it.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. TALCOTT of New York. Mr. Chairman, will the gentleman from Oklahoma yield for a question?

Mr. FERRIS. I will.

Mr. TALCOTT of New York. Does this bill apply to oil in Alaska?

Mr. FERRIS. Yes, sir.

Mr. TALCOTT of New York. And phosphates in Alaska?

Mr. FERRIS. It does.

Mr. TALCOTT of New York. Will the gentleman explain why the committee thought it better to incorporate this provision in reference to Alaska in this bill rather than in the Alaskan coal bill?

Mr. FERRIS. In reply to that I desire to say that the situation in Alaska has been more pressing than any other situation in the country. She has had so much trouble and so much litigation has arisen there concerning claims, we thought that that coal bill ought to be a bill separate and distinct; and it was likewise the view of the department and the view of the committee that the conditions as to oil, if there is any—they have not discovered any yet—and as to phosphate, sodium, and potassium should be included in this bill, and we thought it well it should be incorporated in one bill. We thought coal existed to such a large extent, over which there had been so much trouble and litigation in Alaska, that that should be in a separate bill.

Mr. TALCOTT of New York. It is not known now whether there is gas or oil in Alaska.

Mr. FERRIS. They have not discovered any at all, but we hope they will, and we thought that the general law should apply, because in former times we made all mineral laws apply up there.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "ten," page 10, line 5, and insert the word "five."

The CHAIRMAN. The gentleman can not offer an amendment when he has an amendment pending. The gentleman has moved to strike out the paragraph.

Mr. MONDELL. Mr. Chairman, I thought my amendment had been carried. I thought it had been voted on.

The CHAIRMAN. Not yet. The question is upon the amendment offered by the gentleman from Wyoming, to strike out the paragraph.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. DONOVAN. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut demands a division.

The committee divided; and there were—ayes 14, noes 30.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "ten," page 10, line 5, and insert the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 5, strike out the word "ten" and insert the word "five."

Mr. MONDELL. Mr. Chairman, I would like to ask the gentleman from Oklahoma if it is the intention of the committee to repeal the present oil law? As the author of that law, I am anxious to know what he proposes to do with regard to it. I assume he intended to repeal it, but I do not think he does; and if he intends to repeal it, it will be necessary somewhere in this bill to add language to that effect.

Mr. FERRIS. Section 32, I think, will answer the gentleman's question.

Mr. MONDELL. No; section 32 does not answer the question at all, as I will prove to the gentleman's satisfaction if he will listen to me for a moment. Section 32 provides that all laws inconsistent with this law shall be repealed. Well, another law in operation alongside of this law is not necessarily inconsistent with it. This law itself provides for the patenting of lands in fee, and another law providing for the patenting of lands in fee is not inconsistent with this law. If the gentleman will allow me, if he will turn to the first section of his bill he will see it is not an exclusive law. It provides that the deposits of coal, phosphates, oil, gas, and so forth, shall be subject to disposition in the form and manner provided by this act; but it does not provide that the lands shall not be disposed of otherwise.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. If there is any doubt about section 32 repealing the placer-mining law so far as it applies to oil, I hope every gentleman in the House will be willing to repeal it,

because most all the trouble that has come from the oil development on the public domain has come from the placer-mining law. It never should have been applied to oil in any case and has no application there now.

Mr. MONDELL. Now, that is entirely gratuitous, Mr. Chairman. There has been a great deal of very valuable development of oil under the oil-placer act, and there has been no scandal under it that the law is responsible for of which I know. Certain gentlemen have not been able to get all the land they want under it, and that is one reason why we are enacting this law for their benefit. The men who have most been clamoring for the leasing act are men who do not want the placer act because it does not enable them to hold their land without working it. Some one may come along and find an oil well and take it away from them. So they want a law under which they have a cinch, and you propose to give them one.

Having called the attention of the gentleman to the fact that he has not repealed that very excellent law of mine, I want to call his attention to my amendment. The gentleman from Illinois criticized the provisions of this section which the gentleman from Oklahoma did not seem to understand very well, because he said it would give a man an opportunity to go into a developed field and get 160 acres of oil land free. The word "free" should be used with a reservation, because I never saw a man get anything free in that way. This section is all right in a way. It provides that within a certain distance of a developed well, of a well that is producing oil, the area of a prospecting permit shall be a section, and that beyond 10 miles it shall be a larger area.

We must allow a prospecting permit whenever men develop oil, from the fact that if you find oil on a quarter section or on a 40-acre tract, it does not follow that you will find it on another or adjacent 40 acres. Frequently they get a dry well a few hundred feet from a well that produces a considerable amount of oil. So that the provisions referred to are necessary. The fault is in the section which follows. The better plan would be to lease the permittee the land covered by his permit, or a reasonable portion of it, rather than to deed him in fee any part of it and give him no preference in the remainder. But the distance dividing two classes of areas is, in my opinion, too great. Oil fields are generally limited. There are exceptions, but within 2 or 3 or 4 miles of a well producing a great deal of oil there may be absolutely virgin territory. Such territory may be on or outside of the synclinal or anticlinal on which the well is drilled and in altogether different geological horizon. It seems there must be some rule of distance. But ordinarily if you get 4 or 5 miles from a private well you are altogether in a different geological horizon. You are drilling under changed and differing conditions. You are in the majority of cases in a new field—a virgin field. If you are not "wildcatting," you are at least prospecting and taking very large chances. And therefore I think the change which I suggest should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I do not believe the gentleman is seriously in earnest when he wants to cut this from 10 to 5 miles.

Mr. MONDELL. I assure my friend I am serious and in earnest.

Mr. RAKER. The way the matter was originally reported was 50 miles to 25 miles. After hearing those who were interested in it and who have had much experience, the committee put it at 10 and 20 miles; and it seemed to me to be satisfactory to all the men who have had any experience in the oil business—that if you got wells within 10 miles, you have got 160 acres, and if you went out beyond the 20 miles then you got 640 acres, provided you had the larger tract.

Mr. MONDELL. All the oil men who appeared before your committee were California oil men. They talked about conditions in California. You had none before you, as the committee knows, from Utah, Colorado, and Wyoming, and no one familiar with conditions in the central mountain belt.

Mr. RAKER. They were all given an opportunity to be heard, and, as a matter of fact, where there is any difference——

Mr. MONDELL. That is not the entire difference.

Mr. RAKER. In the East and West, in Illinois and Oklahoma, where you have territory, generally they think 5 or 15 miles is all right; but where you get in the California and western fields, 10 miles, it is in a new country and it is reasonable that we give them that limit. Twenty miles beyond any known well or belt is sufficiently far, and we ought to give them that distance to develop. It is fair enough, but we ought not to cut it down more than is reasonable.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. RAKER. I will.

Mr. COOPER. As I understand the bill, it proposes that the successful prospector may, on application, be granted a fee, the Government reserving to itself the land adjacent?

Mr. RAKER. In this 10-mile limit, which is 160 acres.

Mr. COOPER. The Government will reserve lands contiguous to the 160 acres?

Mr. RAKER. The bill says so. Yes; the gentleman is correct.

Mr. COOPER. Thus the man gets the 160 acres of land and is to be allowed to produce oil on it without paying royalty, while anybody who shall produce oil on the land reserved by the Government will be obliged to pay a royalty. It is therefore very clear that the man who is producing oil on the Government land and paying a royalty will to that extent be discriminated against. And in the future that fact will certainly bring down on Congress delegations of oil producers saying, "These men compete with us, but do not pay a royalty. Our wells are located within a few miles of theirs, but we can not meet their competition because we are obliged to pay a royalty." Under such pressure, what will become of your leasing system?

Mr. RAKER. If the gentleman's argument is carried out in all circumstances and it applied to all fields, and you must not forget that the man who goes out on this tract is sure to put in there $10,000 to half a million dollars, and therefore he has got his money in, and he ought to have some consideration for that.

Now, if your theory is correct, that you are sure of oil in the other 360-acre tracts, all you have to do is to go and stick a hole there, and your oil is ready to produce, which, of course, is not the condition prevailing all the time. A man has got to bore a well. He may miss oil. But when he strikes it he pays a reasonable lease fee to the Government for the oil that he produces. It is absolutely fair.

You ought to give something to the man who is willing to risk his all in an unknown field that he might discover something. The gentleman forgets that practically every dollar's worth of oil that has been produced in California has been matched by another dollar that has gone into improvements. The money has not only come from the State of California, but it has come from the whole civilized globe and has been invested in oil wells. The man who is the pioneer should have some fair compensation for his money and time, and should have something for the risks he has taken.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at this time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on the pending amendment be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. DONOVAN. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut demands a division.

The committee divided; and there were—ayes 9, noes 17.

So the amendment was rejected.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph, after line 3, page 12, "That from and after the passage of this act"——

Mr. FERRIS. Mr. Chairman, we have not passed the paragraph yet, have we?

The CHAIRMAN. The gentleman wishes to offer an amendment to the pending paragraph?

Mr. FERRIS. He offers a new section.

The CHAIRMAN. It is not in order if anybody wants to offer an amendment.

Mr. WHITE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. WHITE].

The Clerk read as follows:

Page 10, line 12, after the word "drill," strike out lines 12, 13, 14, and 15 to the period, and insert in lieu thereof the following: "for oil or gas to an aggregate depth of not less than 500 feet, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet."

Mr. WHITE. Mr. Chairman, the purpose of my amendment is to make practical the bill. It has been already covered in

the discussion. If the oil is found at a depth of less than 500 feet, it would be a contradiction to force a man to drill deeper than 500 feet, because he might find a flow of water and possibly spoil his well. The same argument applies to the provision in the bill to drill wells to a depth of 2,000 feet. A man might drill one well at 2,000 feet, which would be adequate to fulfill the purpose of the bill.

Mr. FERRIS. Mr. Chairman, we accept the amendment. We think it makes the bill better, and therefore we are willing to accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WHITE].

The amendment was agreed to.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman from Wyoming wish to offer an amendment to the pending paragraph?

Mr. MONDELL. I do.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "mining," in line 10, page 10, and insert in lieu thereof the word "drilling."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, page 10, line 10, by striking out the word "mining" and inserting the word "drilling."

Mr. FERRIS. Mr. Chairman, we accept the amendment. I think it should be "drilling."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 10, line 18, the words "square or rectangular" and insert in lieu thereof the words "reasonably compact."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, page 10, line 18, by striking out the words "square or rectangular" and inserting the words "reasonably compact."

Mr. FERRIS. Will the gentleman yield to me just a moment?

Mr. MONDELL. Yes.

Mr. FERRIS. The gentleman still intends to leave in the bill the "two and one-half times" part of it?

Mr. MONDELL. Yes.

Mr. FERRIS. I have a letter Mr. Chairman, from the department, a letter which I have not in my hand, but which is among my papers in my office, which calls attention to the fact that to retain the language we have here might make the bill unworkable and might cut subdivisions in two, and if the gentleman leaves in the bill the "two and one-half times" width, which prevents a man taking the entire string of oil deposits, I think his amendment is good.

Mr. MONDELL. I think that ought to be "two" instead of "two and one-half," but I do not propose to amend at all.

Mr. FERRIS. If the gentleman will pardon me a moment more, I will say that we have plenty of justification here for the language as it stands from the Bureau of Mines and the Geological Survey; but the Interior Department, on the day before yesterday, I think it was, after a conference with some oil men here in Washington, called me up and later wrote me a letter and explained to me that to make it exactly rectangular in form would split up 40-acre tracts and legal subdivisions, and they thought it would not be workable practically. I think the gentleman's amendment is all right.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. Yes.

Mr. LENROOT. The only difficulty I see in the amendment would be the difficulty in description afterwards. In the case of rectangular tracts, where the land is surveyed, you can use Government subdivisions. By this amendment it would be impossible.

Mr. MONDELL. This is the language used in many of the statutes, "reasonably compact." That is, the lands in the forties must be contiguous to each other; but in many cases it would be impracticable to get absolutely square or rectangular tracts. The words "reasonably compact" are used in many of the statutes, in the enlarged homestead law, for instance, and they have been interpreted many times by the department. Of course the department determines finally what is a reasonably compact tract.

Mr. TAYLOR of Colorado. If the gentleman's amendment is adopted, will it be necessary to add a provision that the lease must be taken according to the legal subdivisions if it is on surveyed land?

Mr. MONDELL. I think that is the necessary interpretation of the statute. I do not think there is any getting away from it.

Mr. TAYLOR of Colorado. If you describe it by metes and bounds and confine it to reasonable compactness?

Mr. MONDELL. Even so, by metes and bounds it would have to follow the plan of legal subdivisions. Most of our lands are surveyed now, and such lands must be taken by legal subdivisions.

Mr. LENROOT. I think that is implied in the language that the gentleman seeks to strike out, but if you strike it out there is nothing left.

Mr. MONDELL. Not at all. One could go out on the unsurveyed land and survey out a rectangle or a square.

Mr. LENROOT. I understand, but I am speaking of surveyed land.

Mr. MONDELL. As to surveyed lands a term frequently used in public-land law is "reasonably compact area." In the case of a desert entry or a homestead entry the area must be reasonably compact; that is, the forties must be contiguous, and the tract must be as compact as the entryman can reasonably secure in the locality. The term as applied to unsurveyed lands is as apt and understandable.

Mr. RAKER. As applied to the homestead and the desert-land claim, it means the legal subdivision as surveyed by the Government.

Mr. MONDELL. Exactly so. This law does certainly require the surveyed lands to be taken by legal subdivisions. There is no other way in which you can take surveyed lands. But if that were not true with regard to the unsurveyed lands you would not want to require a permittee on unsurveyed lands to survey his allotted land in squares or absolute rectangles.

Mr. RAKER. You ought, as nearly as you could, to require him to extend the line, where it could be done, so as to apply to the general survey.

Mr. MONDELL. Certainly; but to compel a man to run a line up into a mountain, or run off into territory that clearly would be of no value to him, would not be giving him a fair shake.

Mr. RAKER. Mr. Chairman, just a minute. The gentleman's argument in regard to reasonably compact areas, when applied to the enlarged homestead and desert-land claims, and to homestead claims, means that a man can not take 320 acres of desert land and run it in 40-acre tracts right up a stream or otherwise, nor can he take 320 acres anywhere and do the same thing with it. It must be compact, and as nearly as may be according to the legal subdivisions of the 40-acre tracts. Now, undoubtedly on surveyed lands this would apply to the squares or rectangles all right, but on the unsurveyed lands the gentleman's amendment would permit a man to go into a field that is unsurveyed and run a circle around a tract of land by marking the exterior boundaries as provided here in the bill with monuments or posts, therefore not complying with the general idea of the future extension of the survey, which it ought to be. There ought to be a provision for taking up all the unsurveyed land in as nearly the form of surveyed lands as it can be done, and if a man takes up 160 acres or 640 acres he ought to take the land in as nearly a square or a rectangle as he can, the length being not more than two and one-half times the width.

Mr. LA FOLLETTE. I want to suggest to the gentleman from California that the amendment of the gentleman from Wyoming simply makes the language in this section conform to the language in section 14 on page 12. That language, beginning in line 4, is as follows:

That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a patent for one-fourth of the land embraced in the prospecting permit, such area to be selected by the permittee in compact form and according to the legal subdivisions of the public-land surveys, if the land be surveyed, or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer-mining claims if located upon unsurveyed lands.

Mr. RAKER. That is not the gentleman's proposition. That is what I have been arguing for. He must take it according to the legal subdivisions, and in a compact form, and not in strings of forties.

Mr. LA FOLLETTE. As I understand, that is what the amendment does.

Mr. RAKER. No; this amendment strikes out "square or rectangular" and adds the words "reasonably compact." Under that on the unsurveyed public land you could have it in any shape, and just run a line around a particular tract, without reference to the corners, when, as a matter of fact, a man ought to take his land in a compact form, in rectangular or square shape as nearly as he can according to the Government survey when extended.

Mr. MONDELL. The gentleman knows perfectly well that there never was a round survey made in the United States under the placer act.

Mr. RAKER. Oh, yes.

Mr. MONDELL. Still the gentleman talks about round surveys, something never heard of in our land surveys.

Mr. RAKER Oh, yes.

Mr. MONDELL. This bill provides for surveys under the placer act. There never was any such thing, and never would be, as a circular tract.

Mr. RAKER. Take up one of the mining plats and you will find the lines running in every direction and toward every point of the compass.

Mr. MONDELL. You will not find any circles.

Mr. RAKER. The man who locates the claim runs his lines according to where he wants to place them. We ought not to provide for a new system of surveys in the public-land States.

Mr. MONDELL. Nobody is suggesting that it shall be done. We are simply suggesting that we shall follow our legislation of the past, and not compel a man to do an impossible thing. The gentleman from Oklahoma [Mr. FERRIS] has just called attention to what the department people think of it. If my amendment is adopted, the tract must be reasonably compact. The Secretary of the Interior will decide in each case whether the tract comes within that definition. On surveyed land it will be, of course, according to surveys on unsurveyed land in reasonably compact areas, and the Secretary would in all probability provide for surveys on north and south lines and as near as possible to conform with the surveys when extended.

Mr. TAYLOR of Colorado. Does not the gentleman from Wyoming think that we had better make the amendment conform to language on page 12?

Mr. MONDELL. I have no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I move, as a substitute for the gentleman's amendment, that it be made to conform to lines 10 and 11 of the language on page 12.

Mr. LENROOT. I do not think the gentleman wants to do that, because this applies to surveyed land as well as unsurveyed land.

Mr. TAYLOR of Colorado. We will see where it does apply. Mr. Chairman, I move to substitute for the amendment of the gentleman from Wyoming the following: Strike out of line 18, page 10, the words "square or rectangular" and insert in lieu thereof the words "reasonably compact form and according to the legal subdivisions of the public-land surveys, if the land be surveyed, and, if the land be unsurveyed, in an approximately square or rectangular."

Mr. STAFFORD. Will the gentleman state how it will be when it is on unsurveyed land?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for Mr MONDELL's amendment:
Strike out of page 10, line 18, the words "square or rectangular" and insert the words "reasonably compact form and according to the legal subdivision of the public land surveyed if it be surveyed."

The CHAIRMAN. The gentleman should reduce his amendment to writing.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be closed in 15 minutes—5 minutes to be used by the gentleman from Wisconsin [Mr. LENROOT], 5 by the gentleman from Wyoming [Mr. MONDELL], and 5 for some member of the committee.

Mr. STAFFORD. The gentleman from Kansas [Mr. ANTHONY] has a new section or paragraph.

Mr. FERRIS. This will not interfere with that.

Mr. STAFFORD. This would bar the gentleman out.

Mr. FERRIS. No; he wants to offer a new section, and this would not cut him out. Mr. Chairman, I ask unanimous consent that at the expiration of 15 minutes all debate on the section and amendments thereto be closed, 5 to be used by the gentleman from Wyoming [Mr. MONDELL], 5 by the gentleman from Wisconsin [Mr. LENROOT], and 5 by the committee.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 15 minutes all debate on the pending section and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Colorado as a substitute for the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Substitute for the amendment of Mr MONDELL:
Page 10, line 18, strike out the words "square or rectangular" and insert the words "reasonably compact form and according to the legal subdivision of the public-land survey if the land be surveyed."

Mr. TAYLOR of Colorado. And to that should be added, "if the land be unsurveyed in a reasonably square or rectangular tract."

Mr. RAKER. Mr. Chairman, I offer the following as an amendment to the amendment of the gentleman from Colorado.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Add to the amendment of the gentleman from Colorado the words, "or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer-mining claims if located upon unsurveyed lands"

Mr. TAYLOR of Colorado. Mr. Chairman, I make the point of order that that amendment has nothing to do with my amendment.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to withdraw that amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Colorado.

Mr. STAFFORD. Mr. Chairman, can we have the amendment again reported?

The Clerk read as follows:

Page 10, line 18, strike out the words "square or rectangular" and insert the words "reasonably compact form and according to the legal subdivisions of the public land surveyed if the land be surveyed, and in a reasonably square or rectangular tract, and in a reasonably square or rectangular tract if the land be unsurveyed."

Mr. LENROOT. Mr. Chairman, I would like to ask the gentleman from Colorado if he uses the term "easonably square"?

Mr. TAYLOR of Colorado. Well, perhaps you might say "approximately." Public land is surveyed in lots, and not in squares; and probably they are not rectangular; they are smaller at one end than the other, and there are some diagonal tracts. You might say "approximately square or rectangular," and probably that would be the better word.

Mr. LENROOT. I suggest that the gentleman use the word "approximately."

Mr. TAYLOR of Colorado. Mr. Chairman, I will ask unanimous consent to modify my amendment by substituting the word "approximately" for "reasonably."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. If the gentleman from Wisconsin will yield, I want to call the attention of the committee to the amendment, line 18, page 10. That applies to his permit. In section 14 we provide, after he has used the permit, how it shall be done. Now, we change the law in the permit and when he gets his final survey he must leave a part of it out; that is, if the amendment is carried.

Mr. LENROOT. He must do what?

Mr. RAKER. Under section 14 it provides "or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer mining claims if located upon unsurveyed lands." If the bill stands as reported he will be in shape to carry out the survey under the next section.

Mr. LENROOT. Mr. Chairman, if the amendment is adopted, when it comes to getting his fourth he will have to find his fourth, if it is unsurveyed, by surveying at his own expense, under such rules and regulations as the Secretary may adopt.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado to the amendment of the gentleman from Wyoming.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Wyoming, as amended.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I have several amendments that I had intended to offer to this section, but inasmuch as the gentleman from Oklahoma [Mr. FERRIS] is anxious to get along I will simply refer to them. If the committee does not accept them now, I hope it will later. I think that, on page 10, line 10, the word "four" should be stricken out and the word "six" should be inserted in lieu thereof. I do not think that four months is sufficient time to give the permittee to begin his drilling operations.

I think, on page 11, line 8, the word "ninety" might be changed to "sixty." I do not think the applicant need have that length of time within which to do this marking. I really believe that he could do it in 30 days; the longer time you give him the longer the lands are held from others that may want to develop them.

In regard to the amendment that was just adopted, offered by the gentleman from Colorado [Mr. TAYLOR], I have no es-

pecial objection to it, although I think it rather confuses than helps the situation. I want to call the attention of the committee to this fact, that several places in this bill and in the amendment offered by the gentleman from Colorado there is provision that unsurveyed lands are to be surveyed in accordance with the law relative to the survey of placer lands or lands taken under the placer act. I suppose what is meant is the laws relating to the survey of lode claims, which is made applicable to the survey of placer claims. It seems to me that it would be much clearer, if you want to invoke the mining surveys, to refer to them as the surveys and the rules relating to surveys of lode claims, because that is what they specifically apply to and cover.

I hope the gentleman from Oklahoma is willing to accept these amendments. I think both of them are very desirable.

Mr. FERRIS. Mr. Chairman, with reference to the suggestion of the gentleman from Wyoming, that, on page 10, line 10, the word "four" be changed to "six," let me call attention to the fact that the oil people appeared before us at the hearings, and, as I recall it, they agreed that four months would be enough, and the committee was solicited not to let them take too much time or more time than was necessary.

Mr. MONDELL. I think most of the oil men who appeared before the gentleman's committee were men from territory in California that you can reach within an hour or two by automobiles over good roads, if not by railroad. In my State practically all of the undeveloped oil lands that the men are now trying to develop are anywhere from 25 to 150 miles from a railroad, and it takes quite a bit of time for a man to get around to begin his drilling operations. We should give him more time to begin his drilling operations, but I do not think he needs so much time to monument his claim. In our country the driller would have a very trying time of it to get on the land in many cases and begin his drilling operations within four months. He probably could not get his rigs shipped to the nearest railroad point and out over the roads in that time. He ought not to have an unnecessary time, but he needs more than the bill gives him.

Mr. TAYLOR of Colorado. We have changed the word "mining" to "drilling."

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. That makes it a good deal more arduous. Mining might be preparing for the work and that is the reason the word "mining" was used. As a matter of fact, if it has got to be drilled, the gentleman is largely right. They have to build a road to get in there.

Mr. MONDELL. The gentleman knows that if we had left that word "mining" in there, they could have done almost anything, any unnecessary, inconsequential thing, and have held the claim.

Mr. TAYLOR of Colorado. Oh, no; they could not.

Mr. MONDELL. In any event, it is changed now; but I think that he ought to get to drilling, and that he ought to be allowed a reasonable time in which to do it.

Mr. TAYLOR of Colorado. I realize that he has to have time in whicl to build the roads and get in his machinery.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. STAFFORD. Mr. Chairman, I offer to amend, in page 10, line 10, by striking out the word "four" and inserting the word "six."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk reads as follows:

Page 10, line 10, strike out the word "four" and insert the word "six."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new paragraph, after line 3, on page 12, the following:
"That from and after the passage of this act natural gas transmitted from one State or Territory, or the District of Columbia, to another State or Territory, or to the District of Columbia for illuminating or heating purposes shall, upon entering the place where such gas is designed for consumption, be subject to the laws and regulations of the public utility commissions of the State, Territory, or the District of Columbia into which such gas is transmitted for use as aforesaid, and this provision shall apply to gas produced and transmitted from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia from any lands over which the Government of the United States exercises jurisdiction, and the Secretary of the Interior shall make rules and regulations and renewals of leases and leases with respect to the production and use of gas in conformity with the provisions of this section."

Mr. FERRIS. Mr. Chairman, on that I make the point of order.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman to withhold his point of order until I can make a statement.

Mr. FERRIS. Mr. Chairman, I reserve the point of order.

The amendment has not been submitted to the committee. I have never seen it. I can not grasp what it is from hearing it read. I do not think it germane to this bill, as it seems to be a matter for the Committee on Interstate and Foreign Commerce.

It seems to relate to gas transportation by pipe line between States. If that is what it is it does not properly belong here. I will confer with members of my committee and also the Oklahoma delegation and see how they feel about it. I think a bill is now pending on the same subject in Judge ADAMSON'S committee. It should not go on here with no consideration. There is not even a report from the department on it. If it is a matter entitled to go through, we can reach it by an independent bill, or we could offer it later to this bill, as we will be on this several more days. It is too important to accept it this way. It might work an injustice to this bill. It might work an injustice to my State. I simply do not know what it is or what it does. The gentleman should have presented it to our committee so it could have been gone into carefully.

Mr. ANTHONY. Mr. Chairman, in the State of Kansas there are fully 150,000 families who are now using natural gas for domestic purposes. That gas comes from the State of Oklahoma, from the Osage Nation. It is piped from Oklahoma to Kansas by the Kansas Natural Gas Co., a great corporation, which is allied to other big gas and oil interests. That pipe line is affiliated with the gas companies of the various cities in the State and distributed to these thousands of families in the State. A few years ago the Kansas Natural Gas Co. made contracts with these people at a reasonable price for this gas. In the last year or two they have attempted to increase the price at which gas shall be sold over 100 per cent. The people of the State, through their municipalities, appealed to the State board of public utilities to protect them in a reasonable price. The Gas Trust promptly went to the Federal court for protection to evade being held to a just accountability by the utilities commission, and it so happens that under present conditions there is absolutely no remedy that the people may have to assure themselves a reasonable price for this natural gas, which mostly comes from Indian reservations or other land controlled by the Government.

I think the gentleman from Oklahoma, in the preparation of this bill, could well afford to give relief to the natural-gas consumers of Kansas, Oklahoma, and Missouri. I am sure it is a situation with which he is perfectly familiar, and I think that he should allow this amendment to go into the bill.

Mr. BORLAND. Will the gentleman yield?

Mr. ANTHONY. Gladly.

Mr. BORLAND. The purpose of the gentleman's amendment is simply to give the State public-utilities commission control over this natural gas when it comes within the State.

Mr. ANTHONY. Absolutely, that is all. As it is now, the case where a State has attempted to control the price the company, through a questionable receivership through the United States courts, has evaded the attempt to regulate them.

Mr. BORLAND. There is no question but what, when natural gas or any other product which is subject to a public-utilities commission comes within a State, it ought to be controlled by the State commission.

Mr. ANTHONY. There should be some power, I contend, to control the distribution of these immense supplies of natural gas, oil, and all the other minerals enumerated in this bill, and my contention especially applies to natural gas because it is largely distributed by the public-service corporations.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANTHONY. I would like to ask the Chairman upon what ground he sustains the point of order.

The CHAIRMAN. On the ground that the amendment is not germane to the bill.

Mr. ANTHONY. Will the Chair state why it is not germane, for my information?

The CHAIRMAN. Of course, the Chair is not required to state his reasons. This bill is to authorize explorations for and disposition of coal, phosphates, oil, gas, potassium, or sodium upon the public lands in the United States. The gentleman's proposed amendment provides that natural oil or gas transmitted from one State or Territory to another——

Mr. ANTHONY. Gas; I beg the Chair's pardon.

The CHAIRMAN (continuing). Shall be subject to the control and regulation of the public utilities commission in the localities to which it is transmitted, and it has clearly nothing to do with the fundamental proposition in this bill. It is not germane to it. The Chair again sustains the point of order.

Mr. BORLAND. Mr. Chairman, will the Chair hear me on the point of order?

The CHAIRMAN. The Chair has ruled, and the point of order is sustained.

Mr. BATHRICK. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, after line 3, insert a new section, as follows:
"The Secretary of the Interior shall retain portions of proven oil territory, which, in his discretion, appears most liable to provide fuel oil suitable to be used on Government ships, and shall drill wells and produce oil for Government use. For the purpose of carrying out the provisions of this section there is hereby appropriated, from any unexpended balance in the Treasury, the sum of $500,000 or such part thereof as may be required."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BATHRICK. Mr. Chairman, I am sorry to have the chairman of this committee reserve a point of order on this amendment, because I think its enactment into law is very essential for the interest of this country, particularly for the interest of the Navy in the matter of economy and efficiency. We buy now for the Navy of the United States nearly half a million dollars worth of oil per year. Let us see what this amounts to as a business proposition. We pay for the oil approximately $1.60 to $1.70 per barrel. Fuel oil at the present time and as it runs on the average throughout the year can be bought at the wells at from 50 to 70 cents a barrel. It costs to transport oil by the pipe lines from the Pennsylvania section to the eastern seaboard about 6 cents per barrel. It is very easy to see how somebody is making a good deal of money out of the Government of the United States. We are proposing a measure here which gives to oil prospectors some very liberal and extraordinary privileges not quite in accord with the same business opportunities granted to private people in the oil fields, and, in fact, far more liberal. We have many millions of acres of Government domain, from which to-day are being taken the natural resources of this country, and very little in return is given back to the people. Why talk about your royalties upon these oil wells? In no case would they probably exceed 10 to 12 cents per barrel. That is the average royalty in private transactions. They will amount to very little.

Mr. DONOVAN. Will the gentleman permit an observation?

Mr. BATHRICK. Not until I finish my statement, if the gentleman pleases and will excuse me. I presume the gentleman, the chairman of this committee, is making his point of order on the appropriation feature, but the appropriation feature provides that it lies within the discretion of the Secretary of the Interior to use all of this sum or any portion thereof that may be required to carry out the provisions of this amendment, and it amounts, in principle, to no more than other costs to carry out the other provision. We are using now, as I have said, only a half a million dollars' worth of oil, but all of our ships are being changed from coal burners to oil burners, and in less than five years we will be using five to ten million barrels of oil, with the result that the initial cost to the Government of boring wells and producing oil will eventually accomplish a magnificent saving. There is very little risk involved. After the prospectors have discovered oil upon any of this territory and put in their claim for one-quarter of a section of land and the oil has proven itself profitable, private capital would not think it a serious risk to bore on contiguous territory, and the gentleman from Ohio, who is well versed in this question, knows it would be very easy to secure capital to drill oil wells within a very short distance from some location where oil has been discovered in profitable quantities.

Mr. RAKER. Will the gentleman yield?

Mr. BATHRICK. I do.

Mr. RAKER. How does it come that there are millions of acres of land lying in California that might have some prospect of oil—in fact, every prospect—if the private individual has the courage to go in and——

Mr. BATHRICK. That is purely wildcatting.

Mr. RAKER. No; it is not.

Mr. BATHRICK. I live in a State that produces oil and I have owned oil leases and have been in the business, and I know that if you go into a profitable oil field and secure a lease you have to pay a large bonus to secure it before any drilling is done. Private capital is not afraid to invest in such cases. It is no trouble to get private capital to drill next door to paying, operating wells.

We are assuming in this bill that private persons will go 10 miles away from other oil wells and put down a hole from 500 to 2,000 feet deep. That is what I call wildcatting, but when a well is discovered it is a pretty good business risk to drill another well in the next 40 acres. It is assumed that some of the people will wildcat, but that it would be a fearful risk if all of the people spent, proportionately, the very small sum to follow up a discovery where the risk is very light. The wealthiest business concern in this country has made its profit from oil, and is constantly doing what some think is a big risk for the Government to do. This concern is collecting in profits from this Government every year enough to pay for most of the wells we would need. I would like to see this Government risk one year's such profit, at least, now mainly given to the Standard Oil Co.

Mr. RAKER. This bill applies to the public domain.

Mr. BATHRICK. Very true; but at the same time the Government proposes to lease it as in a private capacity, and there is no reason why this Government should not reserve some portion of this proven oil territory and use it for the advantage of all the people.

Mr. RAKER. In other words, after a man has legitimately discovered an oil well, you want to beat him out of it?

Mr. BATHRICK. You misunderstand the amendment entirely. It is proposed, if the Government has retained that portion of the oil territory in the vicinity of these proven fields and not leased it, that it would go into the business itself and produce this oil and save several millions of dollars to the Government. It would take nothing away from lessees.

Mr. RAKER. And then you want the Government to "wildcat" for oil?

Mr. BATHRICK. There is no need of wildcatting, and, in oil parlance, to drill a well in the vicinity of a proven field is not "wildcatting."

Mr. FERRIS. Mr. Chairman, I make the point of order that it deals with jurisdiction belonging to other committees and is not germane.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a patent for one-fourth of the land embraced in the prospecting permit, such area to be selected by the permittee in compact form and according to the legal subdivisions of the public-land surveys, if the land be surveyed, or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer-mining claims if located upon unsurveyed lands: *Provided*, That all merchantable timber upon land patented hereunder shall be reserved to the United States to be cared for, used, or disposed of in accordance with applicable laws and regulations, and such reservation shall be expressed in each patent issued hereunder: *Provided further*, That each permittee who desires to secure a patent under the terms of this section shall, within 90 days from and after discovery of valuable deposits of oil or gas in the land embraced in his permit, file in the land office of the district in which the land is located his application for patent for the tract selected, in default of which he shall be required to thereafter pay royalty for the oil or gas produced therefrom during the remainder of the term covered by his permit, as may be fixed by the Secretary of the Interior, and the tract and deposits of oil or gas therein shall thereafter be subject to lease as prescribed in section 16 hereof.

Mr. MONDELL and Mr. MOSS of West Virginia rose.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 12, line 8, the word "one-fourth" and insert the word "one-half."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 8, strike out "one-fourth" and insert "one-half."

Mr. MONDELL. Mr. Chairman, I said a few moments ago that I doubted if it were wise to provide in this leasing legislation for the patenting of land in fee. I do not entirely approve the provision contained in the bill, but if it is to remain in the bill it should remain in the bill in a form that will be workable. I do not believe that under the conditions which exist in the intermountain fields of Colorado, Utah, or Wyoming it will be possible to get men to go into the undeveloped regions or on the borders of regions already partly developed, with no greater hope of reward for their prospecting, their drilling, and their expenditure than a patent for one-quarter section within 10 miles of a producing well or 640 acres elsewhere.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LENROOT. How much can they get now under the present law?

Mr. MONDELL. Under the placer act they can get a great deal if they are diligent enough.

Mr. LENROOT. It takes eight of them to get 160 acres.

Mr. MONDELL. Well, one group of eight can get 160 acres, another 160 acres, and another 160 acres, ad infinitum, but ordinarily it requires so much work and expenditure that very large areas are not acquired under the placer act. If this amendment be not adopted, my purpose is to offer an amendment giving the permittee a preference right to lease all the land under his permit when he discovers oil. I think if we are to enter upon a leasing system we ought to leave behind us the system of ownership in fee and proceed to lease. I think that it should not be complicated with patent provisions. But if that is to be done, I do not believe it will be possible in many fields to secure development when the only hope that the driller has is that he may secure a patent, in the majority of cases, to the small area of 160 acres. One hundred and sixty acres, if it were a bonanza field, would be all right. There is not an oil field in one thousand that is a bonanza. It requires a good deal of money for an operation; it requires more than 160 acres for an oil operation that anyone wants to undertake anywhere except in a bonanza field. We can not draft our legislation on the theory that we are legislating for bonanza fields. In the main we are legislating for fields where the wells produce only a limited amount of oil, where a considerable area of land is necessary in order to make drilling profitable. Rather than say to a man, "You are confined to 160 acres; you never can have any hope of securing more than that except as you may enter into competitive bidding with those who have taken advantage of your discovery and expenditure," I think it would be very much better to give a lease to the entire tract in the first place. But the committee will not agree to that; so if the proposition is to patent to the discoverer, then he should have an area sufficiently large to make it worth his while. I would give him half rather than one-fourth of the land covered by his permit.

Mr. MOSS of West Virginia. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from West Virginia makes the point of order there is no quorum present. The Chair will count. [After counting.] Seventy-five gentlemen are present—not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Ansberry | Gallagher | Lever | Rainey |
| Anthony | Gardner | Levy | Reilly, Conn. |
| Austin | George | Lewis, Pa. | Riordan |
| Bartholdt | Gittins | Lindquist | Roberts, Mass. |
| Bartlett | Goeke | Linthicum | Rothermel |
| Beall, Tex. | Goldfogle | Loft | Rupley |
| Brodbeck | Graham, Pa. | McClellan | Saunders |
| Broussard | Gregg | McGuire, Okla. | Scully |
| Brown, N. Y. | Griest | MacDonald | Sells |
| Browning | Guernsey | Maguire, Nebr. | Shreve |
| Brumbaugh | Hamill | Mahan | Slemp |
| Burke, Pa. | Hamilton, Mich. | Maher | Smith, Md. |
| Burnett | Hamilton, N. Y. | Manahan | Smith, N. Y. |
| Calder | Harris | Martin | Stanley |
| Carter | Henry | Merritt | Steenerson |
| Clancy | Hensley | Metz | Stevens, N. H. |
| Coady | Hoxworth | Montague | Stout |
| Connolly, Iowa | Hughes, W. Va. | Morin | Stringer |
| Conry | Humphreys, Miss. | Murdock | Talbott, Md. |
| Covington | Kelley, Mich. | Nelson | Tavenner |
| Cramton | Kennedy, Conn. | Oglesby | Thacher |
| Crisp | Kent | O'Hair | Vare |
| Dale | Key, Ohio | O'Shaunessy | Walker |
| Dies | Kiess, Pa. | Page, N. C. | Watkins |
| Doremus | Kindel | Paige, Mass. | Webb |
| Driscoll | Kinkead, N. J. | Palmer | Whitacre |
| Elder | Knowland, J. R. | Parker | Wilson, Fla. |
| Estopinal | Korbly | Peters | Wilson, N. Y. |
| Evans | Kreider | Porter | Woodruff |
| Fairchild | Langham | Post | |
| Faison | L'Engle | Powers | |
| Finley | Lesher | Ragsdale | |

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and finding itself without a quorum, he had caused the roll to be called, whereupon 306 Members, a quorum, had answered to their names; and he submitted a list of absentees for printing in the RECORD and the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee having under consideration the bill H. R. 16136, and finding itself without a quorum, he had caused the roll to be called, and 306 Members, a quorum, had answered to their names; and he submits a list of names of absentees for publication in the RECORD and the Journal. The committee will resume its session.

The committee resumed its session.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this section and all amendments thereto in 20 minutes, 5 of which shall be controlled by the gentleman from Washington [Mr. LA FOLLETTE] and 15 by the gentleman from California [Mr. CHURCH], members of the committee.

Mr. MANN. What is the request—to close debate on the section?

Mr. FERRIS. Yes. The prolongation of this debate is getting intolerable.

Mr. MANN. Do I understand the gentleman proposes to say now that he is going to use the gag on us?

Mr. FERRIS. Oh, not that; but the gentleman from Illinois knows that the conditions that have prevailed in this debate have become intolerable. Ten or twelve amendments are offered to a single section of the bill, and none of them is adopted, and continuous debate makes it hard for the committee and hard for the Members. I hope the gentleman will cooperate with us.

Mr. MANN. I certainly will not cooperate in stifling debate on an important bill like this, where the debate has been proper and fair.

Mr. FERRIS. I have not kept account of it; but we have debated this section fully 25 minutes on an amendment merely as to whether we shall give one-half of the land to the oil operator, or one-fourth.

Mr. MANN. As a matter of fact, we have debated that question for only five minutes, and the gentleman is mistaken by four-fifths of his assertion.

Mr. FERRIS. I do not think the gentleman is right about that.

Mr. MANN. I know that I am right about it.

Mr. FERRIS. The gentleman will learn.

Mr. MANN. I know I am right.

Mr. FERRIS. Mr. Chairman, I move that debate on this section and all amendments thereto be closed in 20 minutes.

Mr. MANN. I notify the gentleman that there will be no business transacted without a quorum, either in the committee or in the House.

Mr. FERRIS. We can get a quorum.

Mr. MANN. No; you can not. You have not had a quorum for more than 20 minutes in the past 2 days.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the debate on this section and all amendments thereto close in 20 minutes. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MANN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 105, noes 63.

Mr. MANN. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Illinois asks for tellers.

Mr. MANN. There will be no more business done in the House at any time without a quorum. The gentleman can be assured of that.

Mr. DONOVAN. Mr. Chairman, the gentleman from Illinois is out of order.

Mr. MANN. I may be out of order now, but I know that the gentleman from Connecticut is always out of order. [Laughter.]

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MANN.

The committee again divided; and the tellers reported—ayes 92, noes 51.

So the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 49, noes 86.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MONDELL.

The committee again divided; and the tellers reported—ayes 1, noes 116.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I take it that the man who has acted as teller is entitled to time enough to return to his seat before the Clerk proceeds with the reading.

The CHAIRMAN. The Chair had no notion that the gentleman from Wyoming [Mr. MONDELL] desired to offer an amendment. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, I move to amend section 14, line 7, by inserting after the word "permit" the words "and the payment of the price per acre fixed by the placer-mining act."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 7, after the word "permit," insert the words "and the payment of the price per acre fixed by the placer-mining act."

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

Mr. FERRIS. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MONDELL.

The committee divided; and the tellers reported—ayes 34, noes 70.

Accordingly the amendment was rejected.

Mr. MONDELL. Mr. Chairman, at the end of section 14 I offer the following amendment: To add the words—

And the permittee shall have a preference right to lease the land covered by his permit.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of section 14, on page 13, insert the following:
"And the permittee shall have a preference right to lease the land covered by his permit."

Mr. MONDELL. Mr. Chairman, the bill provides that a permittee shall have a permit covering an area the size of which depends upon its distance from a producing oil well, and that if he discovers oil he may, if he desires to do so, secure a patent in fee to one-quarter of the land covered by his permit. I do not believe that in the new fields this would be sufficient to induce prospecting and development. I have said a number of times that I am not altogether in favor of the plan granting fee titles under the act. I would very much prefer a provision under which the permittee, if he discovers oil, may have a preference right to lease the entire tract covered by his permit, or the major portion of it; but if that can not be done, then the permittee should have some sort of a preference over all comers with regard to the land covered by his permit other than that which he can secure by patent. Ordinarily the permittee will have spent a large amount of money in prospecting and development work. He will probably have sunk a number of dry wells, and after it is all over he secures a tract of land which, under ordinary conditions of oil development, is not sufficient for a successful operation. My amendment proposes to give the permittee, after he has discovered oil in paying quantities, a preference right under the conditions contained in the bill to a lease of all the lands covered by his permit.

Mr. LA FOLLETTE. Mr. Chairman, I can not think that the provision of the bill allowing one-fourth of the area on which oil is discovered to be given in fee simple to the discoverer is a wise provision. I listened with interest to the explanation given by the chairman of the committee this afternoon, in which he stated that the purpose of it was to pay the man for the hazard and risk that he had taken. I will grant that on the face of it that looks fair, and if the price of oil was up all the time and booming, and the man who had the advantage of owning part of this tract in fee simple would hold the price up to that of his neighbors' oil and simply take the royalty per barrel as an additional profit, that idea might be tenable. But the prices do not always keep up, and things do not always boom, and it might be that there would be a time of depression in the oil fields. When that time would come and when it was hard to dispose of the oil, the man whom we had legislated into a monopoly, who did not have to pay a royalty, could immediately put down the price of his product 5 or 3 cents, or whatever the royalty was, a barrel and undersell his unfortunate neighbor who had to pay a royalty under his lease. At times it would almost succeed in preventing the sale of his product and compel the lessee to keep his oil on hand. I think to give oil discoverers the right to lease the maximum amount of land allowed under their permits would be eminently fair, and that would not be legislating special privilege in the oil fields.

Mr. JOHNSON of Washington. Mr. Chairman, I want to ask the chairman of the committee a question in regard to the oil leasing. The bill provides for giving the prospector title to one-quarter of the land. I want to ask how will that work where the oil lands to be prospected adjoin an Indian reservation—in the case of allotted lands, where the leases as now granted cover but a small amount of land?

Mr. FERRIS. The gentleman knows that the land can be blocked off in 40-acre lots, or any multiple of 40 acres.

Mr. JOHNSON of Washington. In a new country where the leased land adjoins an Indian reservation, would not this clause result in nothing being done on the Indian land?

Mr. FERRIS. What clause does the gentleman refer to?

Mr. JOHNSON of Washington. I refer to the clause where it provides that one-quarter of the land may be embraced in the prospect permit.

Mr. FERRIS. We do not issue any prospect permits on Indian land.

Mr. JOHNSON of Washington. Does not the fact that you do not operate against the Indians?

Mr. FERRIS. It might.

Mr. LENROOT. Mr. Chairman, I would like to call the attention of the committee to the fact that the gentleman from Texas had an amendment applying it to Indian lands, and unless a further amendment is offered——

Mr. STEPHENS of Texas. I want to say to the gentleman from Washington [Mr. JOHNSON] that I propose at the end of the bill to offer an amendment, suggested by the department, that will correct that deficiency.

Mr. MANN. Mr. Chairman, as I understand, the Indian lands have been included in this bill by amendment. I do not think I am in error about that.

Mr. LENROOT. In form.

Mr. MANN. Why not in fact?

Mr. LENROOT. Because each mineral in the bill is complete in itself.

Mr. MANN. The first section provides generally in reference to the matter, and that governs, as I understand, the balance of the section. I do not know whether the amendment that was agreed to in reference to Indian lands was silly and amounts to nothing, but if it amounts to anything and it was the intention to carry it in the bill, it ought to be carried here.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MANN. Not at present. Mr. Chairman, we have been considering this bill in committee under the five-minute rule for amendment a couple of days. There have been more than a dozen amendments agreed to in the first 12 pages of the bill. It is perfectly evident that this section ought to be amended if it is intended to permit the discovery of gas and oil on Indian land, because it certainly is not the intention for the Government to issue a patent of discovery for 160 acres of Indian lands without anything being paid for it. And if that were done, the Government would have to pay the Indians for this land taken. Under the treaties with the Indians if the Government gives away land, the Government has to pay for it. Any revenue that would come in would go to the Indians. The Government would hold the bag, but would have nothing to show for its interest.

Now, Mr. Chairman, we were getting along very well in considering this bill, and both sides of the House were in good humor. I was endeavoring as far as lay in my power to cooperate with the gentleman from Oklahoma in expediting the consideration of the bill and preserving its main features, with proper amendments to correct its form. There has been before this House no more important bill affecting the country and the property of the country than this one, which revolutionizes the past policy of the Government and proposes to lease its deposits on the public lands which belong to the United States. I am in sympathy with the revolution, but the bill ought to be properly perfected.

All at once the gentleman from Oklahoma, upon a very important section of the bill, which ought to be amended, cuts off discussion because he has the power of a great majority behind him. Well, majorities can rule, but in parliamentary bodies they can only rule under the rules; and I say to the gentleman from Oklahoma that when he endeavors to enforce the power of the majority in a case like this he will have to continue to do it, because there will be nothing done in this House for some time to come by unanimous consent.

Mr. FERRIS. Mr. Chairman, the gentleman from Oklahoma and the Committee on Public Lands have been the recipients of much help and aid from the gentleman from Illinois [Mr. MANN], all of which has been appreciated, and we cherish the hope that in the future he may continue to give it, and we regret that at this time he should fly into a tantrum and serve notice that he will not only raise all of the Cain he can on this

bill, but on every other. If protestations and charges and threats of that sort are the part of a great leader of a great party, let him make the best of it. I have stood here for four or five days, with such earnestness and with such poor ability as I have, and tried to expedite the passage of this bill. The Members of the House on both sides of the aisle are careworn, with more work than their backs can bear up under in their offices, and they have needed their time in their offices. Therefore we have submitted to filibustering amendments and delays that should not have been submitted to. I desire to state that on this side of the House we have not consumed, in my judgment, one-fiftieth part of the time that has been used in debate on this bill under the five-minute rule. I undertake to say that that is a fair estimate of the case. The rest of the time has been used by Members on the other side. Unlimited courtesy, boundless liberality has been the treatment accorded the other side; and what happens? After a question has been debated here time and time again and every conceivable amendment that could be thought of has been offered, with whole bills offered as substitutes for a single section, some gentleman on that side of the House rises in the majesty of the moment and raises the point of no quorum. I think it was the gentleman from West Virginia [Mr. Moss] who so honored us on this occasion. [Applause and laughter on the Democratic side.]

Of course that is a very intellectual thing for a Member to do. It requires great wisdom and learning to make the point of no quorum. Then, in a moment of irritability and in a moment of stress, in a moment of being worn out, I asked unanimous consent to close debate in 20 minutes, thinking that we ought to accomplish something, and that the House would properly require us to do something. The gentleman from Illinois [Mr. MANN], with all of his ingenuity as a parliamentarian and as a filibusterer, gathers on his armor and swings around and serves notice that he will object to every bill next Monday, which he usually does anyway and which he delights to do. That is a day of his particular choosing, of his keenest delight. On no day is he so much in his element as he is on unanimous-consent Monday. He can then rise in his place and object to some poor fellow trying to get some little local bill through. That is a terribly courageous thing to do—to rise and object and send some Member home with some little local bill unpassed that will humiliate him and disgrace him with his constituents. That is a wonderful achievement. That is the gentleman on unanimous-consent Monday as others see him.

But I shall not dwell longer on that. I repeat, the gentleman from Illinois has helped us many times, and I hope he will again help us. I hope that instead of threatening us and browbeating us he will join hands with us and help to put through a bill that does not mean one bit more to my State than it does to his. My services on this bill are as unselfish as are his. There is not a foot of public land in my State. I am trying to do a service for the country, and not for his part, or my party, not for his State or mine. [Applause on the Democratic side.]

The CHAIRMAN (Mr. GARRETT of Tennessee). All time has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken.

Mr. MANN. Mr. Chairman, I demand a division.

Mr. FERRIS Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. MONDELL and Mr. FERRIS to act as tellers.

The committee divided; and the tellers reported—ayes 28, noes 67.

So the amendment was rejected.

The Clerk read as follows:

SEC. 15. That all permits, leases, and patents of lands containing or supposed to contain oil or gas, made or issued under the provisions of this act, shall be suoject to the condition that no wells shall be drilled within 200 feet of any of the outer boundaries of the lands embraced within any permit, tease, or patent, unless the adjoining lands have theretofore been patented or the title thereto otherwise vested in private owners, or unless the lessees or patentees of such adjoining lands shall, with the approval of the Secretary of the Interior, agree to the drilling of wells and removal of the oil or gas from the 200 foot tracts or reservations herein created, and to the further condition that the permittee, lessee, entryman, or patentee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit, lease, or patent, to be enforced through appropriate proceedings in courts of competent jurisdiction.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. It was said a moment ago that these bills were for the good of the West. I desire to call the attention of the House to the fact that the distinguished Delegate from Alaska who was here until quite recently, and is now in Seattle, Wash., on his way to the far north, where he has not been for years, declared at a meeting there that Alaska coal-leasing bill provisions are in the interests of monopoly. The heading in the newspaper says, "Alaska coal bill called dangerous—Delegate WICKERSHAM declares provisions favor monopoly." I shall not take the time of the House to read this statement, but I desire to call the attention of Members to the fact that during the limited debate that we had under the five-minute rule on that bill a number of gentlemen on this side of the House called attention to the monopolistic provisions of the bill. I think Judge WICKERSHAM so stated and gave his reasons. His view with regard to the Alaska coal-leasing bill, I am inclined to believe, is the view the western people will have in regard to the several provisions of this leasing bill as soon as they have become familiar with it.

The Clerk read as follows:

SEC. 16. That all deposits of oil or gas and the unentered lands containing the same and classified as oil or gas lands, or proven to contain such deposits, except, however, those embraced in any prospecting permit during the life of the same, those patented or for which application for patent by the permittee is pending under the provisions hereof, may be leased by the Secretary of the Interior through competitive bidding under general regulations in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which royalty on demand of the Secretary of the Interior shall be paid in oil or gas, and the payment in advance of a rental of $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word merely for a brief inquiry. Do I understand that the royalty that is to be paid is to be paid in kind—in oil?

Mr. FERRIS. If the Secretary of the Interior so decrees. The thought of the committee was that there might come a time when they might need the royalty in the actual oil, and then the Secretary might decree it should be paid in oil for use by the Navy. The Navy Department was quite interested in having it that way, and the Secretary of the Interior concurred in that view, also the Bureau of Mines and the Geological Survey, and the committee was unanimous.

Mr. STAFFORD. It is merely a reservation in case such an emergency might arise, otherwise it would be paid in money?

Mr. FERRIS. Yes.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FERRIS. I do.

Mr. MADDEN. Is the oil to be taken at a stipulated price, or market price?

Mr. FERRIS. There was nothing said about that. They take an eighth or a sixth of the total output after taking the royalty on the oil, and, of course, the producing company would deliver to the Government in oil instead of paying the market rate in cash. That is the only difference.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers the following amendment, and the pro forma amendment is withdrawn. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 25, after the word "period," change the period into a colon and insert the following:

"*Provided further*, That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas has been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior shall lease to such locator or his successors in interest the said lands so relinquished, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years, with the preferential right in the lessee to renew the same for succeeding periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior."

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MONDELL. Mr. Chairman, I desire to say that in the momentary absence of the gentleman from California [Mr. CHURCH], who has been called out for a moment, I offered this amendment. I am very much in favor of it, but the amendment is a copy of one that was to be offered by the gentleman from California [Mr. CHURCH]. It does not, however, contain a naval-reserve provision as his amendment does.

Mr. FOSTER. I beg to state to the gentleman from Wyoming that I had no thought or intent of that kind, but this is

a long amendment; it is late in the evening, and we ought to be given a chance——

Mr. MONDELL. I simply made the statement I did in justice to the gentleman from California [Mr. CHURCH], who was out for the moment.

Mr. RAKER. Mr. Chairman, I want to call attention to the fact that I hold the same amendment in my hand, but I understood it was not going on to-night. This is an amendment of Mr. CHURCH'S, to which he has given months of earnest work, in which I have collaborated, and I want to say to the committee——

Mr. MONDELL. I was generous enough to acknowledge the gentleman from California intended to offer it. We are all of us greatly interested in it—those of us from western oil districts. I did not intend to allow the opportunity to have the amendment offered get by.

Mr. RAKER. I hold it in my hand, and I have had it all day; but I understood it was to go over until the next meeting of the House, and then offer it at the end of the next section, if Mr. CHURCH was temporarily absent, and that is why——

The CHAIRMAN. The Chair overrules the point of order.

Mr. MANN. The point of order was only reserved. Perhaps the Chairman would hear me on the point of order.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. FOSTER. Mr. Chairman, I reserved the point of order because I did not hear the amendment clearly, and I wanted to go over it for that reason. If the Chair overrules the point of order—as I gather from the amendment, it is a proposition to fix the status of certain oil claims.

Mr. MOORE. Will the gentleman from Illinois yield for a moment?

Mr. FOSTER. Certainly.

Mr. MOORE. The gentleman said a moment ago it was getting late in the evening, and rather indicated that we might soon rise. Is there any such intent?

Mr. FOSTER. I do not know and I could not say.

Mr. MOORE. Well, the chairman of the committee indicated that he was quite tired, quite fatigued, a little while ago. Does not the gentleman think it is time to rise?

Mr. FOSTER. I will say that I do not know anything about that. I could not speak for the chairman.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] insist on the point of order?

Mr. FOSTER. Why, as the Chair seems to be against me, I think it may be just as well to withdraw the point of order.

Mr. MANN. Mr. Chairman, I renew the point of order.

The CHAIRMAN. Does the gentleman wish to be heard on it?

Mr. MANN. I do, before it is determined. The amendment the Chair has provides that upon the relinquishment or surrender to the United States within six months from the date, and so forth, by a locator of any claim to any unpatented oil or gas lands included in an order of withdrawal on which oil or gas has been discovered and was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may in his discretion lease, on such reasonable terms and conditions as he may prescribe, land to the locator, the said leases to be conditioned upon the payment by the lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, the preferential right to be in the lessee to renew the lease, and money which may accrue to the United States shall be covered into the Treasury to the credit of a fund to be known as the "naval petroleum fund."

This amendment is for the purpose of compromising certain claims against the United States on certain oil lands. It is a pure case of compromising claims, and admitted to be such. The bill is in reference to the leasing of lands where the Government of the United States owns the land or owns the deposits. These people claim they own this land. There is no requirement in this amendment that this land shall be owned by the Government. They have their rights upon the land, or claim them. While, of course, it is a proper matter for legislation, it does not relate to anything in the bill.

Mr. MONDELL. Mr. Chairman, this bill proposes a new method of disposing of the lands of the United States containing oil. There is a law now in force—the placer act—under which claims are initiated for this same class of lands.

Mr. MANN. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on agreeing to the amendment.

Mr. CHURCH. Mr. Chairman, I offer the following as a substitute.

The CHAIRMAN. The gentleman from California offers a substitute to the amendment offered by the gentleman from Wyoming [Mr. MONDELL], which the Clerk will report.

The Clerk read as follows:

Page 14, line 25, after the word "periods," change the period into a colon and insert the following:

"*Provided further*, That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal upon which oil or gas had been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may in his discretion lease, on such reasonable terms and conditions as he may prescribe, to such locator or his successors in interest the said lands so relinquished, not exceeding, however, the maximum area of 640 acres to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years, with the preferential right in the lessee to renew the same for succeeding periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior: *And it is further provided*, Any money which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment of the gentleman from California [Mr. CHURCH].

The CHAIRMAN. The gentleman from Illinois makes a point of order.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from California, as I understand it, is identical with the amendment of the gentleman from Wyoming, save and except it has attached to it a proviso that the money shall go into the Treasury as a fund for the Navy as Congress may see fit to appropriate.

Mr. MANN. I think that is a correct statement.

Mr. FERRIS. I think that is it.

Mr. MANN. This merely makes the amendment in harmony with the bill we passed by unanimous consent.

The CHAIRMAN. The Chair sustains the point of order. It is clearly devoted to matters not germane to the bill.

Mr. LENROOT. Will the gentleman hear me on the point?

The CHAIRMAN. The Chair will hear the gentleman, but has already decided the question.

Mr. LENROOT. If the Chair will examine later provisions of the bill, he will find that this bill does provide for the disposition of the proceeds of the leases of these public lands. It provides later on that all the proceeds shall go into the reclamation fund, and all this amendment does is to provide a different manner of disposition of proceeds of a portion of these leased lands than the disposition provided in the bill for the lands generally.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Under the provision that provides the proceeds shall go into the reclamation fund would the gentleman think it germane to offer an amendment to build a battleship out of the proceeds?

Mr. LENROOT. No.

Mr. MANN. Does he think it germane to order it placed in the naval fund?

Mr. LENROOT. Certainly.

Mr. MANN. If so, it is germane to provide how it shall be expended.

Mr. LENROOT. The proceeds accruing through this bill must be provided for somewhere. It must either go into the Treasury under the head of miscellaneous receipts or in the reclamation fund as provided in the bill.

The bill itself provides that half of the proceeds shall afterwards be paid to the States, and it is entirely competent in this bill; and I submit that it is germane to the bill to make such provision for the placing of the proceeds of these leases as the committee may desire to make. So far as a battleship is concerned, there is no attempt to control the proceeds of these funds after the fund is made.

Mr. MANN. Oh, yes; there is, certainly.

Mr. LENROOT. It is expressly left in the hands of Congress.

Mr. MANN. Oh, no; it is not. Half of the proceeds go to the State. The provision expressly provides where the funds shall go, and if the gentleman is correct as a parliamentary proposition, we can change that and provide that all the money shall go into a good-roads fund, for example, and we can provide how it shall be expended. It would not be germane.

Mr. LENROOT. Section 30 of the bill is the one that provides for the disposition of these funds; and, having treated of that subject, and having undertaken to provide for a certain disposition of the funds, it is entirely germane to provide for any other disposition of the funds that the committee sees fit to make.

The CHAIRMAN. Notwithstanding the argument of the gentleman from Wisconsin [Mr. LENROOT] as to section 30, the Chair is still of the opinion that this amendment is not germane to the bill at this point, and the Chair sustains the point of order.

Mr. CHURCH. Mr. Chairman, I desire to say a few words in regard to the amendment offered by the gentleman from Wyoming [Mr. MONDELL]. I am very glad, indeed, that the gentleman offered this amendment at the time that he did, as I was temporarily out, and I considered it as nothing more nor less than an act of kindness on his part to introduce it at this time.

Owing to the fact that the Government has not provided the oil prospector with a general law applicable to the location of oil, in the interests of justice it is absolutely necessary that this amendment shall prevail. Men engaged in the oil business, finding themselves without a suitable law under which to operate, have been obliged to use their own judgment and adopt a law which is best calculated to serve them. In doing this the placer-mining law has been chosen almost by unanimous consent.

When President Taft, in September, 1909, issued an order withdrawing certain public lands from entry a great hardship was worked upon certain people who were at that time located on some of the land withdrawn.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Ohio?

Mr. CHURCH. I have not much time, and I have yet much to say.

Mr. GORDON. I wanted to ask the gentleman what business they had on this land? Were they on that land without right or permission?

Mr. CHURCH. It would take 20 minutes to explain it.

Mr. GORDON. Had they any right to be on it at all?

Mr. CHURCH. If the gentleman were familiar with the conditions on the public lands he would understand that situation. I will undertake, however, to answer the gentleman, and my answer is this:

Under this placer-mining law, applying to gold mining as it does, first a discovery is necessary, then posting of a notice, and finally the filing of a copy of the same in the county recorder's office. Placer gold is generally found at the grass roots, can be discovered frequently by the aid of a pick or shovel, and often requires but a few moments' time, while oil is located from 1,500 to 4,500 feet below the surface of the earth, requires an expenditure of from $20,000 to $150,000 to bore a well, and from 6 to 18 months to complete the work; yet until a special law was passed the prospector had no rights which others were bound to respect until he actually made the discovery. When President Taft withdrew from entry large tracts of public land in California he made no provision for the man already on the ground spending his time and money in the pursuit of oil.

At the date of the withdrawal many men in the very best of faith were located on the withdrawn land, doing everything possible to make a discovery of oil. Some were building roads to their claims, others establishing derricks and drilling outfits, while still others were engaged in drilling, in some instances having expended, to my knowledge, as high as $50,000 in the effort. Of course, when the withdrawal was made it spread consternation in the oil fields, and had the order not been modified millions of dollars of property would have been virtually confiscated by the Government; but a committee of oil men came on to Washington, and, after remaining here for a long time pressing their cause, were finally rewarded on the 25th of June, 1910, by seeing the Pickett bill passed and approved, which provided that the terms of the withdrawals should not apply to any person who at the date of the withdrawal was located on public land diligently in pursuit of oil, and who continued thereafter until discovery was made. Thus the Government by the passage of this law pulled this certain class of operators from the hole in which it had placed them by not providing a general law applicable to their work.

Not long after this the Interior Department made a ruling that an application for a patent would be denied unless the applicant was the original locator of the oil land, or unless he had purchased the land from his grantor after the discovery of oil. This ruling again spread consternation in the oil fields, for hundreds of men in the best of faith had located on Government land, established their derricks and pumping plants at great expense, and had continued the operation of boring until they were forced to stop by reason of the fact that their funds were entirely depleted. Such found it necessary to sell their holdings, which they did in many instances, and the purchaser continued the work, finally making a discovery which justified him in asking for a patent from the Government. This he could not receive under the ruling of the Interior Department, which in hundreds of instances spelled ruin and meant again the confiscation of millions of dollars' worth of property by the Government. Again the committee came on to Washington, and were rewarded after a time by seeing the Smith bill passed and approved, which provided that no application for a patent should be denied on the grounds that the applicant was not the original locator of the land in question or that he purchased the land prior to the discovery of oil. So the Government pulled this class of oil operators out of the mire into which it had driven them by not providing for their use a general and suitable law.

A few months ago the Government brought several suits against claimants of oil wells on the ground that they were illegally in possession of the same. In these suits all who had purchased oil taken from the wells in question were made codefendants. This act on the part of the Government operated as a permanent injunction against the further sale of oil taken from lands, a grant to which had not been made to private parties. The prospective purchaser refused to buy oil taken from such lands, not knowing but that the Government might in the future question the title of the holder, and, as it had done in the past, make codefendants of all parties who had purchased oil from such wells. Again the committee came to Washington, and after many weeks of hard work were finally rewarded, on August 25 of this year, by seeing a bill which I had filed for their relief enacted into law. This bill authorized the Secretary of the Interior to make arrangements with all parties occupying unpatented land, so that they could sell their oil during the pendency of the application for a patent, the Government retaining a royalty sufficient to guarantee it against loss, provided the patent application was denied. And thus again, by special act, the Government assisted another class that were dreadfully embarrassed by reason of the fact that no general law was applicable to their oil operations.

The placer-mining law, which the oil operators were compelled to follow, provided that eight persons jointly could take up eight claims, consisting of 20 acres each, and hold as a company 160 acres of land. This plan was followed in the oil regions, and for years was recognized by the Interior Department, but some time ago the department discovered that in some instances all of the original eight locators were not really interested in the property upon which they had filed. For instance, in some cases a husband had placed on the location notice the name of his wife, or a father the name of his son, or the name of some other relative or friend had been used for the same purpose; that in these cases parties really interested had prosecuted their work to a final discovery, and in many instances had sold to innocent purchasers who knew nothing about the fraud perpetrated upon the Government and could not know, owing to the fact that the records in such cases appeared regular and proper in every respect. On account of this latter discovery on the part of the Interior Department it has almost ceased to grant patents at all, but is waiting until this general leasing bill shall become the law, and until this amendment which I have just introduced shall become an operative law. As stated before, the Interior Department has recommended the amendment in question and is anxious to see it adopted. When this is done innocent purchasers of these questionable claims can go before the Secretary of the Interior, renounce their claim to a patent, and in its stead secure a lease for the land which their money and energy have converted into an oil-paying property. If this relief is not afforded it simply means the confiscation of property which has been developed to its present state of usefulness by the expenditure of millions of dollars. It also means the driving from the oil fields of California many worthy people who have innocently and conscientiously invested their money and strength in the development of the public domain.

Mr. FERRIS. Mr. Chairman, I move that at the expiration of 10 minutes debate on this section and all amendments thereto be closed.

Mr. RAKER. I want five minutes of that.

Mr. LENROOT. I hope the gentleman will not make that request yet. It is too soon.

Mr. FERRIS. I have no desire to cut off gentlemen who wish to speak. I withdraw the request.

Mr. FOSTER. Mr. Chairman, I only want a moment's time; I do not think I want five minutes. As I understand it, this amendment is intended to relieve a condition that exists in California in reference to the oil lands, but it goes much further than that. As I understand, there are certain lands in that State which are reserved for procuring oil for the Navy. If this amendment is adopted as it stands now, all the proceeds of the oil that comes from the leasing of these lands will not go into a fund for the Navy, but will go into the reclamation fund, and the Navy will get no benefit whatever from it nor any oil to be used by the Navy.

Mr. LENROOT. There will be an amendment offered to section 30 to cover that.

Mr. FOSTER. But if this amendment is adopted and the other is not, or if it is held out of order, then this money will go, not to the naval fund, for the benefit of which these lands have been set aside, but to the reclamation fund, where the Navy Department will get no benefit.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Does the Navy or the United States own the land?

Mr. FOSTER. It has been set apart for the use of the Navy.

Mr. MANN. But the Government owns the land; we make the appropriation.

Mr. FOSTER. Yes; it belongs to the United States.

Mr. MANN. Why should we start in to set apart for the Navy a special fund, and for the Army a special fund, and for Tom, Dick, and Harry a special fund?

Mr. FOSTER. I judge that it was done because the Navy needs a great deal of oil for fuel purposes.

Mr. MANN. We appropriate the money to buy the oil. They do not get the oil out of this. If this amendment is not agreed to, they may get the oil. Under this amendment they will not get the oil, but they get the money we appropriate. It will not cost any more to take it out of one pocket than out of the other.

Mr. FOSTER. These lands were set apart for that particular purpose.

Mr. LENROOT. It is only a small portion of the land.

Mr. FOSTER. Under this amendment the Navy will not get the benefit of it. I agree that it all comes out of the Government; it is like taking it out of one pocket and putting it into another. But if we sell the oil for 50 cents a barrel and buy oil for $1.50, it will not be a good business for the Government.

Mr. MANN. If the Navy was to have the oil, very well.

Mr. FOSTER. The Navy has no use for the land, except to get the oil.

Mr. MANN. The Navy could not use the money unless we appropriated it. We will provide sufficient fuel for the Navy.

Mr. FOSTER. I think the Navy has been very particular in wanting to maintain their rights under this bill as far as their getting the proceeds or the oil.

Mr. MANN. I thought it was quite proper in the temporary bill to provide that, but this is another proposition. Here is a permanent disposition of the land. The Navy is not interested in it, and ought not to be; they will get money for all the fuel they need.

Mr. FOSTER. They might get it cheaper if they could get the royalties from their own property.

Mr. MANN. Not at all; this money would have to be paid into the Treasury and appropriations made by Congress just the same.

Mr. FOSTER. They might get the oil, which would be more valuable.

Mr. MANN. If this amendment is adopted they will not. Mr. Chairman, I move to amend the amendment by striking out in the seventh line from the bottom the word "exceeding" and inserting in lieu thereof the words "less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In the seventh line from the bottom of the Mondell amendment, strike out the word "exceeding" and insert the words "less than."

Mr. MANN. Mr. Chairman, the amendment provides for the adjustment between the Government and the persons claiming the right upon the property, so that the Government would permit these locators to go ahead with the oil, the Government exacting a royalty of not exceeding one-eighth. Nobody could tell what that would be. My proposition is to make it not less than one-eighth, so that we know that it will be at least one-eighth.

Mr. FERRIS. Mr. Chairman, I am heartily in favor of the amendment, and I am informed by the two gentlemen from California that they are.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment to the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I want to take but a minute of the committee's time. As has been stated, the House reported the bill and the Senate has passed it. The Committee on the Public Lands took up the Senate bill, which is substantially the same as the House bill, and directed the chairman to move to take it from the Speaker's table and put it before the House for passage. The Secretary of the Interior, in his report on the bill, uses the following language:

DEPARTMENT OF THE INTERIOR,
*Washington, April 17, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: I am in receipt of your request for report on H. R. 15661, a bill to authorize the Secretary of the Interior to lease certain unpatented public lands on which oil or gas has been discovered. The measure is peculiarly applicable to conditions existing in the oil fields in the State of California, but may apply to a lesser extent to similar claims in the State of Wyoming and other portions of the public domain.

On July 3, 1910, there were promulgated various orders of withdrawal made by the President, under the authority of the act of June 25, 1910 (36 Stat., 847), withdrawing from location and entry areas of public land believed to contain valuable deposits of oil and gas pending classification and the consideration by Congress of the advisability of enacting legislation better adapted to the production and disposition of these minerals than the present general mining laws.

Prior to the withdrawal and the act of Congress mentioned, many claims had been initiated or attempted to be initiated under the provisions of the general mining laws to lands within the areas subsequently withdrawn. With respect thereto Congress provided in section 2 of the act of June 25, 1910, supra—

"That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas-bearing lands, and who at such date is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further,* That this act shall not be construed as a recognition, abridgement, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this act."

The latter clause had reference to certain withdrawals theretofore made by the Secretary of the Interior.

In the case of H. H. Yard (38 L. D., 59) the department ruled that a placer location for 160 acres made by eight persons, and before discovery of mineral thereon transferred to a single individual or corporation, was invalid because not preceded by a discovery of mineral and could not, under the law, be perfected by the transferee upon a subsequent discovery. Many existing claims for deposits of oil and gas being for this reason invalid, Congress passed the remedial act of March 2, 1911 (36 Stat., 1015).

It now transpires that numerous locations upon lands containing oil and gas deposits were made by associations of individuals for and on behalf of corporations or other individuals and not in the interest of the locators, and covered a larger area than could have been embraced in single locations by their principals. Such locations have been held illegal by various decisions of the Department of the Interior and the courts. It appears, however, that many such locations have finally passed by transfer, lease, or contract into the hands of oil operators who in good faith and without actual notice of any defect in title have, at large expense, drilled and developed producing wells upon the tracts, and that the cancellation or denial of the claims under existing law will result in depriving these operators of their labor and expense. The condition is recognized and temporary relief proposed in H. R. 15469, recommended by this department and favorably reported by your committee, which bill proposes to authorize the Secretary of the Interior to enter into temporary arrangements with the operators for the disposition of the oil or gas and the proceeds thereof pending final determination of title. However, as stated in my said report of April 10, 1914, H. R. 15469 will give temporary relief only, and does not provide a method for disposition of the lands or the deposits after final adjudication of the cases, if the claims of the applicants be finally denied. H. R. 15661 proposes to provide for this condition by authorizing the locators or their successors in interest in cases where oil or gas has been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, upon lands the claims to which was initiated prior to July 3, 1910, by authorizing the Secretary of the Interior, upon surrender to the United States by the claimant of his interest in the defective location, to lease to him the lands so occupied, improved, and developed, not exceeding in any case 2,560 acres, upon payment by such lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced. This measure will, in my opinion, not only afford relief to operators who, as stated, have in good faith made large expenditures in the development of oil or gas from such lands, but will operate to relieve the land department from a large amount of expense and work in investigating and adjudicating claims to such lands presented under the general mining laws.

It is in line with the general policy of the bill for the future leasing of oil, gas, and other minerals now before your committee and before the Senate, but, because of its being designed to meet and cure an existing condition, properly forms the subject of a separate and remedial measure.

I recommend the enactment of H. R. 15661.

Very truly, yours,

FRANKLIN K. LANE.

Now, Mr. Chairman, this bill H. R. 15661 is the amendment which has been presented to the committee. I hope the amendment will be adopted.

Mr. MONDELL. Mr. Chairman, I hope the amendment will be adopted. I regret somewhat the adoption of the amendment

offered by the gentleman from Illinois, but I hope that under that amendment the Secretary of the Interior will take as the maximum the minimum we have fixed by that amendment. There are, as the gentleman from California [Mr. CHURCH] has stated, quite a number of claimants to oil lands who had a great deal of difficulty in securing patents. There have been a number of reasons for that, due somewhat to changing decisions under the placer acts, under which oil lands are taken, and due somewhat to withdrawals of oil lands. Questions have arisen in regard to what constituted a proper and legal location, questions as to so-called dummy entries, questions as to when drilling operations were undertaken, as to whether they were in progress at the time of withdrawal. These various questions have prevented the patenting of some oil lands in California and Wyoming. The probability is that these questions will not be decided as to some of these claims for a considerable time in the future. They are more or less involved. Some of the questions are now before the Supreme Court. In that state of affairs, it seems entirely proper—in fact, as regards the claims that I have in mind, certain claims in California and in the Oil Creek field in Wyoming and elsewhere, it would be very much in the public interest—if some such plan as this were adopted, whereby those lands can be developed. Some of them are now having the oil drawn from them by the owners and proprietors of surrounding lands. In the case of the Salt Creek field in Wyoming there is a demand for more oil; as to some of these lands that are in controversy the owners have hesitated to develop until there was more certainty as to title, and development would be in the public interest. It ought to go on, and I think it would go on under the plan proposed, but claimants can hardly be expected to continue their development under the uncertainty now existing.

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-three Members present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to authorize explorations for and disposition of coal, phosphate, and so forth, and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, September 18, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4012) to increase the limit of cost of the United States public building at Grand Junction, Colo., reported the same with amendment, accompanied by a report (No. 1154), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 1624) to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1155), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18607) to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn., reported the same without amendment, accompanied by a report (No. 1156), which said bill and report were referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KIRKPATRICK: A bill (H. R. 18839) to provide for the issue of bonds to be known as the popular government loan; to the Committee on Ways and Means.

By Mr. SISSON: A bill (H. R. 18840) to repeal the act of February 8, 1875, levying a tax of 10 per cent per annum on every person, firm, association other than national-bank associations, and every corporation, State bank, or State banking association, on the amount of their own notes used for circulation and paid out by them; to the Committee on Ways and Means.

Also, a bill (H. R. 18841) to suspend for a period of two years the act of February 8, 1875, levying a tax of 10 per cent per annum on every person, firm, association other than national-bank associations, and every corporation, State bank, or State banking association, on the amount of their own notes used for circulation and paid out by them; to the Committee on Ways and Means.

By Mr. MOON: A bill (H. R. 18842) to amend the act approved June 25, 1910, authorizing a postal savings system; to the Committee on the Post Office and Post Roads.

By Mr. GLASS: A bill (H. R. 18843) to amend sections 11 and 16 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. FRENCH: Joint resolution (H. J. Res. 347) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FREAR: Concurrent resolution (H. Con. Res. 49) directing the Attorney General to ascertain if questionable and improper methods have been used in connection with the passage of the rivers and harbors appropriation bill; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 18844) granting an increase of pension to Charlotte Reagin; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 18845) for the relief of the heirs of Eliza A. Carradine; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 18846) granting an increase of pension to William H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18847) granting an increase of pension to John Pierstock; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 18848) granting an increase of pension to William M. Steen; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 18849) granting an increase of pension to Mary Koons; to the Committee on Pensions.

By Mr. RUPLEY: A bill (H. R. 18850) granting an increase of pension to Elizabeth J. Kendig; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALTZ: Protest of Carpenters' Local Union No. 377, of Alton; Local Union No. 474, United Mine Workers of America, of Edgemont Station, East St. Louis; Local Union No. 1802, United Mine Workers of America, of Maryville; Local Union No. 21, Brewery Workers, of Belleville; Trades Council, Collinsville; Local Union 99, United Mine Workers of America, of Belleville; Local Union 2514, United Mine Workers of America, of Belleville; Local Union 703, United Mine Workers of America, of O'Fallon; Local Union 2708, United Mine Workers of America, of Edgemont Station, East St. Louis; Local Union No. 1090, United Mine Workers of America, of New Athens; Local Union 10943, Tin, Steel, and Granite Ware Workers, of Granite City; and Horseshoers' Union No. 119, of East St. Louis, all in the State of Illinois, against letting of Government contract by Post Office Department to private printing company not employing union labor for printing of commercial corner cards on stamped envelopes; to the Committee on Printing.

By Mr. BRITTEN: Petition of the United Master Butchers of Chicago, Ill., urging certain lines of action for conserving the

meat supply of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. DEITRICK: Petition of the Volunteer Officers of the Union Army in the Civil War, favoring Senate bill 392, the Volunteer officers' retired list; to the Committee on Invalid Pensions.

By Mr. DONOVAN: Petition of the Connecticut Deeper Waterways Association, favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. FESS: Petition of sundry citizens of Greenfield, Ohio, favoring House joint resolution 282, relative to North Pole controversy; to the Committee on Naval Affairs.

By Mr. GARD: Petition of the Volunteer Officers of Union Army of the Civil War, assembled in Detroit, Mich., favoring Townsend bill (S. 392), the Volunteer officers' retired list; to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of W. D. Smith, of Isle St. George, Ohio, relative to tax on wine; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Maritime Exchange, against House bill 18666, for Government ownership of vessels in the foreign trade of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KAHN: Petition of the Volunteer Officers of the Union Army in the Civil War, favoring Senate bill 392, the Volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: Petition of the International Typographical Union, of Indianapolis, Ind., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. LONERGAN: Petition of the Arthur Chemical Co., of New Haven, Conn., protesting against taxing perfumes and toilet articles; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of John T. Maguire, of Providence, R. I., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. STEPHENS of California: Petition of Golden West Tent, No. 58, Knights of the Maccabees, of San Francisco, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the Coffin Redington Co., of San Francisco, Cal., relative to tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of the Retail Druggists' Association of Los Angeles, Cal., favoring taxation of publishers for war revenue; to the Committee on Ways and Means.

Also, petition of the Densmore Stabler Refining Co. and T. W. Okey, of Los Angeles, Cal., relative to proposed tax on gasoline; to the Committee on Ways and Means.

Also, petition of the Board of Trade of San Francisco, Cal., relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

## SENATE.

### FRIDAY, *September 18, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, at the threshold of the great responsibilities of this day we wait this moment before Thee to lift our hearts and minds to the center and source of all truth, of all righteousness, of all greatness and power. May we draw from Thee the equipment for the day's work and when the evening hour shall come may we look back upon the day spent under the inspiration of the Divine presence and expressive of the Divine thought in us as individuals and as a Nation. Equip us not only with wisdom and power but with character, for we know that in the great last assize character is that which counts with God and eternity. For Christ's sake. Amen.

#### NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
*Washington, September 18, 1914.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
*President pro tempore.*

Mr. ROBINSON thereupon took the chair as Presiding Officer, and directed the Secretary to read the Journal of the proceedings of the last legislative day.

The Journal of the proceedings of the legislative day of Wednesday, September 16, 1914, was read.

Mr. KENYON. I desire to ask the Secretary to read the part of the Journal which refers to the Senator from Iowa yielding to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, the Secretary will read the part indicated.

The Secretary read as follows:

Mr. KENYON being on the floor, and having yielded to Mr. RANSDELL at his request, Mr. BRYAN made the point of order that a Senator having possession of the floor could not yield unless by unanimous consent; and—

Mr. KENYON. That is the part I wanted to have read. I wish to suggest that that is not in accordance with the RECORD, and I refer to page 15258, where I say:

I have been interrupted too frequently in the past to decline now. I am very glad to be interrupted, not for a speech, but for a question.

The Journal now reads as though I had surrendered the floor. I merely offer that suggestion.

Mr. CLAPP. I take it, of course, the Journal would not be a record of all that was said on the floor. The RECORD contains that. I do not think that there is any discrepancy between the Journal and the RECORD. One is a generalization of what occurred and the other details all that was said.

Mr. KENYON. Of course, I did not yield the floor to the Senator from Louisiana.

Mr. CLAPP. The RECORD shows that.

Mr. JONES. I wish to suggest——

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that the Journal does not disclose that he yielded the floor. It merely discloses that he yielded, which is according to the usual custom in such cases.

Mr. JONES. It seems to me that the Journal should show that the yielding was for a question, and for no other purpose.

The PRESIDING OFFICER. The RECORD shows that the Senator from Louisiana merely asked the Senator from Iowa to yield, and thereupon the Chair directed to the Senator from Iowa the question as to whether or not he would yield to the Senator from Louisiana, and the Senator from Iowa announced his purpose of yielding. As to the purpose of the Senator from Louisiana in asking the Senator from Iowa to yield, the RECORD shows that to have appeared later in the debate. It was not disclosed upon the first request. Without objection, the Journal will be approved. The Chair hears no objection.

#### LEAVE OF ABSENCE.

Mr. THOMAS. Mr. President, being obliged to go away, I respectfully ask the Senate to grant me a leave of absence not to exceed two weeks.

The PRESIDING OFFICER. The Senator from Colorado asks for a leave of absence not to exceed two weeks. Is there objection? The Chair hears no objection.

#### PETITIONS AND MEMORIALS.

Mr. JONES. I have received a telegram, in the nature of a petition, from the secretary of the Columbia and Snake River Waterways Association, urging the passage of the pending river and harbor bill. I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *September 17, 1914.*

Senator WESLEY L. JONES,
*Washington, D. C.:*

The Columbia and Snake River Waterways Association, composed of commercial bodies and citizens of the States of Oregon, Washington, Idaho, and Montana, in convention assembled at the city of Spokane, Wash., on this date unanimously request the Senators and Representatives of the States mentioned to urge the passage of the pending river and harbor bill without material reduction so far as Pacific coast projects are concerned, and generally, so far as practicable, inclusive of all projects recommended by the United States engineers. The convention also voices its protest against the obstructive tactics of United States Senators in opposition to the pending bill, believing that these tactics, if successful in the defeat of the pending bill, will cast discredit upon the entire system of internal waterways improvement in the United States.

THE COLUMBIA AND SNAKE RIVER WATERWAYS ASSN.,
WALLACE R. STRUBLE, *Secretary.*

Mr. SMITH of Georgia. I have received two short telegrams, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

JACKSON, GA., *September 18, 1914.*

Hon. HOKE SMITH,
*Washington, D. C.:*

If our southern representatives will take the initiative and pass a law cutting 1915 cotton crop 50 per cent, the price of cotton will immediately advance to 12½ cents per pound.

S. O. HAM.